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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: South Africa

1. At its 609th, 610th and 611th meetings (see CRC/C/SR.609, 610 and 611), held on 25 and 26 January 2000, the Committee on the Rights of the Child considered the initial report of South Africa (CRC/C/51/Add.2), which was submitted on 4 December 1997, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and provided a critical assessment of the situation of children. The Committee also welcomes the efforts of the State party to ensure that its initial report was submitted on time. The Committee takes note of the written replies to its list of issues (CRC/C/Q/SAFR.1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

* At the 615th meeting, held on 28 January 2000.

B. Positive aspects

3. The Committee expresses appreciation for the efforts made by the State party in the area of legal reform. In this regard, the Committee welcomes the new Constitution (1996), in particular article 28, which guarantees children a number of specific rights and freedoms also provided for under the Convention. Further, the Committee notes with appreciation the additional legislation enacted to bring about greater harmonization between domestic legislation and the Convention, including: the National Youth Amendment Act (1996); the Legal Aid Amendment Act (1996); the Criminal Procedure Amendment Act (1996); the Film and Publications Act (1996); the National Education Policy Act (1996); the Child Care Amendment Act (1996); the Abolition of Corporal Punishment Act (1997); the Divorce Courts Amendment Act (1997); the Establishment of Family Court Act (1997); the Maintenance Amendment Act (1997); the Natural Fathers of Children Born out of Wedlock Act (1997); and the Criminal Procedure Second Amendment Act (1997).

4. The Committee welcomes the implementation of a National Programme of Action (NPA) within the State party. In this regard, it welcomes the establishment of the National Programme of Action Steering Committee (NPASC) which is responsible for the identification of plans, the coordination and evaluation of programmes, and the periodic submission of progress reports to Cabinet on the implementation of the NPA as well as compliance obligations under the Convention. The Committee notes that the membership of the NPASC comprises representatives from various ministries and agencies involved in the promotion of the rights of children as well as representatives of civil society, including NGOs and the National Children's Rights Committee (NCRC) and UNICEF South Africa.

5. The Committee welcomes the establishment of the South African Human Rights Commission and the appointment of a director with responsibility for children's rights.

6. The Committee also welcomes the implementation of the "Human Rights Institutional Strengthening Project" with the support of the Office of the High Commissioner for Human Rights (OHCHR). The Committee notes that the project includes provision of advisory services to finalize the human rights training package developed by the South African Police Service (SAPS); publication of a pocket guide for police on human rights standards and practice; advice and assistance to the South African Human Rights Commission (SAHRC); advice and assistance to the Justice College of the Ministry of Justice in integrating human rights in the training curriculum for magistrates, prosecutors and other officials concerned with the administration of justice; and support to Fort Hare University in developing a series of human rights training workshops and establishing a documentation centre.

7. The Committee welcomes the State party's efforts in establishing a Children's Budget Project launched with the aim of developing an overall perspective on the Government's expenditure with respect to children's programmes and examining the impact of this expenditure on the lives of children.

8. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the enactment of the South African Schools Act (1996) which has led to enhanced participatory rights for children within the educational system; the right of children to

choose their own language of learning (multilingualism), and the abolition of corporal punishment in schools. The Committee also notes with appreciation the establishment of an integrated National Primary School Nutrition Programme intended to encourage enrolment and facilitate attendance of all children, especially those from economically disadvantaged families. The Committee also notes that under "Curriculum 2005", additional initiatives are envisaged within the school environment, including programmes to encourage non-discrimination and facilitate inclusion, especially of children with disabilities and those with HIV/AIDS. "Curriculum 2005" also aims to address the inequalities within the educational system established during apartheid.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges the challenges faced by the State party in overcoming the legacy of apartheid which continues to have a negative impact on the situation of children and to impede the full implementation of the Convention. In particular, the Committee notes the vast economic and social disparities that continue to exist between various segments of society as well as the relatively high levels of unemployment and poverty which adversely affect the full implementation of the Convention and remain challenges for the State party.

D. Subjects of concern and recommendations of the Committee

1. General measures of implementation

Legislation

10. The Committee notes the efforts of the State party to bring about legal reform and to introduce measures to ensure greater conformity between domestic legislation and the Convention. The Committee also notes that the South African Law Commission is currently reviewing legislation as well as customary law with a view to introducing additional legal reform concerning, inter alia, the prevention of family violence, HIV/AIDS policies in school, the establishment of a new juvenile justice system, the expansion of the child-care system and the protection of sexually abused children. However, the Committee remains concerned that the law, and in particular customary law, still does not fully reflect the principles and provisions of the Convention. **The Committee encourages the State party to continue its efforts in the area of legal reform and to ensure that its domestic legislation conforms fully with the principles and provisions of the Convention.**

Ratification of international human rights instruments

11. The Committee notes that the State party has not yet ratified the International Covenant on Economic, Social and Cultural Rights. The Committee is of the opinion that the ratification of this international human rights instrument would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. **The Committee encourages the State party to reinforce its efforts to finalize the ratification of this instrument.**

Coordination

12. While the Committee notes the establishment of the National Programme of Action Steering Committee (NPASC) to coordinate the implementation of programmes relevant to the protection and care of children, it is concerned that insufficient effort has been made to ensure that adequate programmes are introduced at the community level. In this context, the Committee further expresses concern at the insufficient efforts made to involve community-based organizations in the promotion and implementation of the Convention. The Committee is also concerned about the lack of coordination between those ministries responsible for the implementation of the Convention. **The Committee recommends that the State party take effective measures to ensure that the programmes and activities of the NPASC are established in rural areas as well as at the community level. The State party is encouraged to take all effective measures to promote capacity-building among community-based organizations and to further facilitate their inclusion in the coordination, promotion and implementation of the Convention. The Committee recommends that the State party strengthen its efforts to ensure greater coordination between those ministries and departments responsible for the implementation of the Convention.**

Independent monitoring mechanism

13. The Committee welcomes with appreciation the State party's establishment of the South African Human Rights Commission which is mandated to promote the observance of fundamental human rights at all levels of society. The Committee notes that the Commission also has powers to conduct investigations, issue subpoenas and hear testimony under oath. The Committee is concerned, however, that insufficient resources have been allocated to allow the Commission to carry out its mandate effectively. Additionally, the Committee notes with concern that the work of the Commission continues to be hampered by, inter alia, red tape and the need for additional legislative reform. The Committee is also concerned at the absence of a clear procedure to register and address complaints from children concerning violations of their rights under the Convention. **The Committee encourages the State party to take effective measures to ensure that adequate resources (both human and financial) are allocated to ensure the effective functioning of the South African Human Rights Commission. The Committee recommends that the State party establish clear child-friendly procedures to register and address complaints from children regarding violations of their rights and to guarantee adequate remedies for such violations. The Committee further suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a procedure.**

Data collection

14. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. **The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly**

vulnerable, including girls; children with disabilities; child labourers; children living in remote rural areas, including Eastern Cape, Kwa Zulu-Natal and the Northern region, as well as other disadvantaged Black communities; children belonging to the Khoi-Khoi and San communities; children working and/or living on the streets; children living in institutions; children of economically disadvantaged families; and refugee children. Technical assistance in this area from, inter alia, UNICEF is encouraged.

Budgetary allocations

15. The Committee welcomes the initiative of the State party to introduce the practice of "costing" new legislation to ensure its sustainability in terms of, inter alia, financing. The Committee notes that the State party is currently "costing" the draft juvenile justice bill to determine its financial sustainability. The Committee notes the challenges faced by the State party in addressing the social and economic legacy of apartheid, particularly among previously disadvantaged communities. The Committee also notes the efforts of the State party in establishing a Children's Budget Project to monitor government expenditure with respect to children's programmes with a view to improving the impact of expenditure on the lives of children. In light of article 4 of the Convention, the Committee remains concerned about the insufficient efforts made to ensure the adequate distribution of resources allocated for children's programmes and activities. **In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations and distributions to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.**

Dissemination and awareness raising

16. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents, and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. **The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, in both rural and urban areas. In this regard, it encourages the State party to reinforce its efforts to make the Convention available in local languages and to promote and disseminate its principles and provisions through the use of, inter alia, traditional methods of communication. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of traditional community leaders as well as professional groups working with and for children, such as health personnel, including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.**

2. Definition of the child

Criminal responsibility and sexual consent

17. While the Committee notes that the State party has drafted legislation to increase the legal minimum age for criminal responsibility from 7 to 10 years, it remains concerned that a legal minimum age of 10 years is still a relatively low age for criminal responsibility. The Committee is also concerned that the legal minimum ages for the sexual consent of both boys (14) and girls (12) are low and that legislation concerning this issue is discriminatory against girls. **The Committee recommends that the State party reassess its draft legislation on criminal responsibility with a view to increasing the proposed legal minimum age (10 years) in this regard. The Committee also recommends that the State party increase the legal minimum ages for sexual consent for both boys and girls and ensure non-discrimination against girls in this regard.**

3. General principles

Non-discrimination

18. While the Committee notes that the principle of non-discrimination (article 2) is reflected in the new Constitution as well as in domestic legislation, it is still concerned that insufficient measures have been adopted to ensure that all children are guaranteed access to education, health and other social services. Of particular concern are certain vulnerable groups of children, including Black children, girls, children with disabilities, especially those with learning disabilities, child labourers, children living in rural areas, children working and/or living on the streets, children in the juvenile justice system, and refugee children. **The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.**

Respect for the views of the child

19. While the Committee recognizes the efforts of the State party in promoting respect for the views of the child and encouraging child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, particularly in the provinces and at the local level. **The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. The Committee recommends that the State party train teachers to enable students to express their views, particularly in the provinces and at the local level.**

4 Civil rights and freedoms

Birth registration

20 The Committee notes that the Births and Deaths Act provides for the registration of all children at birth and that recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, the Committee is concerned that many children are still not registered. **In light of articles 7 and 8 of the Convention, the Committee encourages the State party to continue its efforts through, inter alia, mobile clinics and hospitals, to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.**

Torture, or other cruel, inhuman or degrading treatment or punishment

21 While recognizing the efforts of the State party to train the police on the treatment of detainees and the non-use of unnecessary force, the Committee is concerned about the high incidence of police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity. **The Committee recommends that all appropriate measures be taken to fully implement the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee further recommends that greater efforts be made to prevent police brutality and ensure that child victims are provided adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned.**

5 Family environment and alternative care

Parental guidance

22 The Committee notes with concern the increasing number of single-parent and child-headed families and the impact (both financial and psychological) on children. The insufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. **The State party is encouraged to increase its efforts in developing family education and awareness through, inter alia, providing support, including training for parents, especially single parents, in parental guidance and joint parental responsibilities, in light of article 18 of the Convention. The Committee recommends that the State party take all necessary measures to reduce and prevent the increasing number of child-headed households and to introduce adequate support mechanisms for existing child-headed families. The Committee further recommends that the State party undertake a study on the situation of single parent, polygamous and child-headed families with a view to assessing the impact on children.**

Maintenance

23. While the Committee notes that legislation has been enacted to provide for the recovery of maintenance for the child, it is concerned that insufficient measures have been taken to ensure

the enforcement of maintenance orders. **In light of article 27 of the Convention, the Committee recommends that the State party take effective measures to ensure compliance with maintenance orders and the recovery of maintenance for the child.**

Welfare services

24. The Committee notes the recent initiative of the State party to institute a Child Support Grant which aims to provide greater financial support to children from the most economically disadvantaged families. The Committee remains concerned about the phasing-out of the Maintenance Grants and the potential impact for economically disadvantaged women and children who currently benefit from the programme. **The Committee recommends that the State party expand its Child Support Grant programme or develop alternative programmes to include support to children up to the age of 18 years, who are still in school. The Committee encourages the State party to take effective measures to ensure the continuation of support programmes for economically disadvantaged families.**

Alternative care

25. With respect to the situation of children deprived of a family environment, the Committee expresses its concern about the insufficient number of alternative care facilities in previously disadvantaged communities. Concern is also expressed about the insufficient monitoring of placements and the limited number of qualified personnel in this field. The Committee further notes with concern the inadequate monitoring and evaluation of placements in the foster care programme. **The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party ensure adequate periodic review of placements in the foster care programme.**

Domestic and intercountry adoptions

26. While the Committee notes that the Child Care Act (1996) provides for the regulation of adoptions, it is concerned at the lack of monitoring with respect to both domestic and intercountry adoptions as well as the widespread practice of informal adoptions within the State party. The Committee is also concerned at the inadequate legislation, policies and institutions to regulate intercountry adoptions. **In light of article 21 of the Convention, the Committee recommends that the State party establish proper monitoring procedures with respect to both domestic and intercountry adoptions and introduce adequate measures to prevent the abuse of the practice of traditional informal adoptions. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to ensure the effective regulation of intercountry adoptions. The Committee further encourages the State party to reinforce its efforts to finalize its ratification of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Domestic violence, ill-treatment and abuse

27. The Committee notes the enactment of the Child Care Act and the Prevention of Family Violence Act to provide greater protection for children. The Committee also notes the recent introduction of the National Crime Prevention Strategy which focuses on crimes against women and children as well as the Victim Empowerment Programme which promotes the empowerment of victims of abuse, especially women and children. However, the Committee remains gravely concerned about the high incidence of domestic violence, ill-treatment and abuse of children, including sexual abuse within the family. **In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse to understand the scope and nature of these practices. The Committee also recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence, ill-treatment and abuse and further adopt adequate measures and policies to contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings; the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Corporal punishment

28. While the Committee is aware that corporal punishment is prohibited by law in schools, care institutions and the juvenile justice system, it remains concerned that corporal punishment is still permissible within families and that it is still regularly used in some schools and care institutions as well as generally within society. **The Committee recommends that the State party take effective measures to prohibit by law corporal punishment in care institutions. The Committee further recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and change cultural attitudes to ensure that discipline is administered in a manner consistent with the child's dignity and in conformity with the Convention. It is also recommended that the State party take effective measures to prohibit by law the use of corporal punishment in the family and, in this context, examine the experience of other countries that have already enacted similar legislation.**

6. Basic health and welfare

Primary health care

29. The Committee notes the State party's recent initiatives to improve the general situation of health and health services for children, including the introduction of the Integrated Management of Childhood Illnesses (IMCI) initiative and the provision of free health care to children under the age of six years and to pregnant and lactating women. However, the

Committee remains concerned that health services in the districts and local areas continue to lack adequate resources (both financial and human). The Committee is also concerned that the survival and development of children within the State party continue to be threatened by early childhood diseases such as acute respiratory infections and diarrhoea. The Committee is also concerned about the high incidence of child and infant mortality as well as maternal mortality, the high rate of malnutrition, vitamin A deficiency and stunting, the poor situation of sanitation, and insufficient access to safe drinking water, especially in rural communities. **The Committee recommends that the State party reinforce its efforts to allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, particularly in rural areas. In this context, the Committee recommends that the State party facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to continue its technical cooperation with respect to the IMIC initiative and, where necessary, to pursue additional avenues for cooperation and assistance for child health improvement with, inter alia, WHO and UNICEF.**

Environmental health

30. Concern is expressed at the increase in environmental degradation, especially as regards air pollution. **The Committee recommends that the State party increase its efforts to facilitate the implementation of sustainable development programmes to prevent environmental degradation, especially as regards air pollution.**

Adolescent health

31. The Committee expresses concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including teenage pregnancies, abortions, drugs and substance abuse, including alcohol and tobacco use, accidents, violence, and suicide. The Committee expresses its concern at the lack of statistical data on the situation of children with mental health concerns as well as the insufficient policies and programmes for these children. The Committee notes that while the State party has taken a tough anti-smoking stance with the introduction of strong legislation in 1991 and amendments in 1999 to control the supply of tobacco, many under-age smokers are still able to buy tobacco products. While the Committee notes that the State party has launched a Partnership Against HIV/AIDS Programme (1998) which aims, inter alia, to establish counselling and treatment centres for people living with HIV/AIDS and sexually transmitted diseases (STDs), it remains concerned about the high and increasing incidence of HIV/AIDS and STDs. **The Committee recommends that the State party take effective measures to ensure that legislation is fully implemented and enforced, particularly as regards the use of tobacco products. The Committee recommends that the State party reinforce adolescent health policies, particularly with respect to accidents, suicide, violence and substance abuse. It is also recommended that the State party undertake a study to assess the situation of children with mental health concerns and introduce programmes to guarantee adequate care and protection for them. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to**

develop youth-friendly counselling, care and rehabilitation facilities for adolescents that would be accessible, without parental consent where this is in the best interests of the child. The Committee recommends the reinforcement of training programmes for youth on reproductive health, HIV/AIDS and STDs. These programmes should be based not only on gaining knowledge, but also on the acquisition of competencies and life skills that are essential to the development of youth. The Committee further recommends the full participation of youth in the development of strategies to respond to HIV/AIDS at the national, regional and local levels. Particular emphasis should be placed on changing public attitudes toward HIV/AIDS and identifying strategies to address the continued discrimination experienced by children and adolescents infected with HIV.

Children with disabilities

32. The Committee expresses concern regarding the inadequate legal protection, programmes, facilities and services for children with disabilities, particularly mental disabilities. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on children with disabilities (see A/53/41, chap. IV, sect. C), it is recommended that the State party reinforce its early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from, inter alia, UNICEF and WHO.**

Traditional practices

33. The Committee is concerned that male circumcision is carried out, in some instances, in unsafe medical conditions. The Committee is also concerned about the traditional practice of virginity testing which threatens the health, affects the self-esteem, and violates the privacy of girls. The practice of female genital mutilation (FGM) and its harmful effects on the health of girls is also an issue of concern for the Committee. **The Committee recommends that the State party take effective measures, including training for practitioners and awareness-raising, to ensure the health of boys and protect against unsafe medical conditions during the practice of male circumcision. The Committee also recommends that the State party undertake a study on virginity testing to assess its physical and psychological impact on girls. In this connection, the Committee further recommends that the State party introduce sensitization and awareness-raising programmes for practitioners and the general public to change traditional attitudes and discourage the practice of virginity testing in light of articles 16 and 24 (3) of the Convention. The Committee recommends that the State party strengthen its efforts to combat and eradicate the practice of FGM and to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.**

7. Education, leisure and cultural activities

34. The Committee notes the recent efforts of the State party to improve the situation of education, including the enactment of the Schools Act (1996), the introduction of an integrated

National Primary School Nutrition Programme, and the launching of "Curriculum 2005" which is intended, inter alia, to correct the disparities in access to education. While noting that the law provides for compulsory education between the ages of 7 and 15 years, the Committee is concerned that primary education is not free. Concern is also expressed that inequality in access to education remains in some areas, particularly among Black children, girls and children from economically disadvantaged families, many of whom still do not attend school. The Committee is concerned about the continued practice of discrimination in some schools, particularly against Black children in racially mixed schools. With respect to the general situation of education, the Committee notes with concern the extent of overcrowding in some areas; high drop-out, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; insufficient number of trained teachers, particularly in traditionally Black communities; and low morale of teachers. The Committee notes with concern that many children, especially in Black communities, do not enjoy the right to leisure, recreation and cultural activities. **The State party is encouraged to continue its efforts to promote and facilitate school attendance, particularly among previously disadvantaged children, girls and children from economically disadvantaged families. In light of article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available free to all. The Committee recommends that the State party take additional measures to ensure non-discrimination within the school environment. The Committee further recommends that effective measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education. In light of article 31, the Committee recommends that the State party take effective measures to ensure that children, especially those in Black communities, enjoy the right to leisure, recreation and cultural activities.**

8. Special protection measures

Refugee and asylum-seeking children

35. While the Committee notes recent legislative reform to guarantee greater protection of the rights of refugee and asylum-seeking children, it remains concerned about the absence of formal legislative and administrative measures to ensure family reunification and to guarantee the right of access to education and health for refugee children. **The Committee recommends that the State party develop a legislative and administrative framework to guarantee and facilitate family reunification. Additionally, it is recommended that the State party implement policies and programmes to guarantee adequate access to all social services for refugee and asylum-seeking children. The Committee further recommends that the State party reinforce its efforts to finalize its adoption of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.**

Children in armed conflict

36. The Committee is concerned that insufficient efforts have been made to introduce adequate programmes to facilitate the rehabilitation of children affected by armed conflict during the apartheid era, whose situation is reflected in the current high levels of violence and crime within the State party. **The Committee recommends that the State party take all appropriate measures to introduce new and reinforce existing programmes to facilitate the rehabilitation and reintegration of children affected by armed conflict.**

Child labour

37. The Committee notes that the State party has signed a memorandum of understanding with the International Programme for the Elimination of Child Labour of the ILO to undertake a national survey with a view to compiling comprehensive national child labour statistics. While the Committee notes the State party's efforts to bring domestic legislation into conformity with international labour standards, it is concerned that over 200,000 children between the ages of 10 and 14 years are currently engaged in work, mainly commercial agriculture and domestic service. **The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. The Committee also recommends that the State party reinforce its efforts to ratify the Worst Forms of Child Labour, 1999 (No. 182) of the ILO.**

Drug and substance abuse

38. The Committee is concerned with the high and increasing incidence of drug and substance abuse among youth and the limited psycho-social and medical programmes and services available in this regard. **In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be reinforced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also recommends that the State party develop a national drug control plan with the guidance of the United Nations Drug Control Programme. The Committee also encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF and WHO.**

Sexual exploitation

39. While noting the efforts of the State party to implement legislation, policies and programmes to prevent and combat the sexual exploitation of children, the Committee remains concerned at the high incidence of commercial sexual exploitation. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State**

party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children.

Sale, trafficking and abduction of children

40. The Committee notes the efforts of the State party to address the situation of the sale, trafficking and abduction of children, including the adoption of the Hague Convention on Civil Aspects of International Child Abduction, into domestic legislation. However, the Committee is concerned about the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate measures to enforce legislative guarantees and to prevent and combat this phenomenon. **In the light of article 35 and other related provisions of the Convention, the Committee recommends that the State party take effective measures to strengthen law enforcement, and intensify efforts to raise awareness in communities about the sale, trafficking and abduction of children. The Committee further recommends that the State party seek to establish bilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children and to facilitate their protection and safe return to their families.**

Minority groups

41. The Committee notes that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. The Committee further notes the State party's intention to establish a Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities as a first step in guaranteeing greater protection to minorities. However, the Committee is concerned that customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups. **The Committee recommends that the State party undertake all appropriate measures to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.**

Juvenile justice

42. While the Committee welcomes the recent efforts to improve juvenile justice, it is concerned that the juvenile justice system does not cover all regions of the State party. The Committee is further concerned about:

(a) The lack of an efficient and effective administration of juvenile justice and in particular its lack of compatibility with the Convention, as well as other relevant United Nations standards;

(b) The length of time taken before juvenile cases can be heard and the apparent lack of confidentiality accorded to such cases;

(c) The use of detention as other than a last resort;

(d) The overcrowding in detention facilities;

(e) The holding of minors in adult detention and prison facilities, the lack of adequate facilities for children in conflict with the law, and the limited numbers of trained personnel to work with children in this regard;

(f) The lack of reliable statistical data on the number of children in the juvenile justice system;

(g) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system; and

(h) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

The Committee recommends that the State party:

(a) Take additional steps to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

9. Dissemination of the reports of the Committee

43. Finally, **the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

ISLAMIC REPUBLIC OF IRAN

1. The Committee considered the initial report of the Islamic Republic of Iran (CRC/C/41/Add.5), submitted on 9 December 1997, at its 617th and 618th meetings (see CRC/C/SR.617-618), held on 16 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the State party's report (CRC/C/41/Add.5) was prepared according to the Committee's guidelines for reporting. The Committee regrets, however, that the report is essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. Moreover, the Committee notes that the rights of the child are seen through a paternalistic lens; the child is not seen as an active subject of human rights. There are significant gaps in information relating to general measures of implementation, general principles, particularly non-discrimination and the best interests of the child, civil rights and freedoms and special protection measures. The Committee welcomes the responses to the list of issues which partially remedied these gaps.

* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee welcomes the State party's progress in achieving most of the goals for the year 2000 laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

4. The Committee notes that article 30 of the Constitution provides free education for all citizens up to secondary school, and that over 90 per cent of children 6-10 years enjoy access to primary education.

5. The Committee notes that the State party hosts the largest refugee population in the world, around 2.1 million people, including a large percentage of children, and has provided assistance, generally with speed and effectiveness and with only limited help from the international community.

C. Factors and difficulties impeding the implementation of the Convention

6. Noting the universal values of equality and tolerance inherent in Islam, and concurring with the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Committee observes that narrow interpretations of Islamic texts by State authorities are impeding the enjoyment of many human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

7. Noting information from the State party that a Governmental working group has been established to study the compatibility of existing laws with the Convention, the Committee is nevertheless concerned that the broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention.

8. **The Committee recommends that the State party expedite this study and use the findings to review the general nature of its reservation with a view to narrowing and, in the long-term, withdrawing in accordance with the Vienna Declaration and Programme of Action.**

Coordination

9. The Committee is concerned that the lack of administrative coordination and cooperation at the national and local levels of government is a major problem in the implementation of the Convention.

10. **The Committee recommends to the State party to: adopt a comprehensive national plan of action to implement the Convention; allocate the necessary resources, both human and financial; develop professional capacity; and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention. The Committee recommends that the State party seek assistance from UNICEF and OHCHR, among others.**

Independent/monitoring structures

11. The Committee emphasizes the importance of setting up an independent mechanism with the mandate regularly to monitor and evaluate progress in the implementation of the Convention at the national and local levels.

12. **The Committee encourages the State party to establish a statutory, independent institution, adequately staffed and resourced, with the mandate regularly to monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints of violations of children's rights. The Committee recommends that the State party seek assistance from UNICEF and OHCHR, among others.**

Allocation of budgetary resources

13. Noting the State party's efforts to implement various child-oriented programmes, the Committee nevertheless expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

14. **The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights, and collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels, where needed, within the framework of international cooperation.**

Cooperation with NGOs

15. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited.

16. **The Committee encourages the State party to consider a systematic approach to involving NGOs, and civil society in general, in all stages of the implementation of the Convention, including policy-making.**

Training/dissemination of the Convention

17. Although the Convention is binding and has the force of law, according to article 9 of the Civil Code and article 77 of the Constitution, the Committee is concerned that it has not been invoked in the courts because of insufficient awareness of the Convention amongst the judiciary,

lawyers and the general public, including children, despite efforts by the State party to inform children of their rights. In this regard, the Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

18. **The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek assistance from OHCHR and UNICEF, among others, in this regard.**

2. Definition of the child

19. The Committee notes information that the State party is making efforts to study the age of maturity of females. Nevertheless, the Committee is concerned that the definition of the child, under Note 1 of article 1212 of the Civil Code and Note 1 of article 49 of the Islamic Penal Law, which provide for the attainment of majority at predefined ages of puberty, result in arbitrary and disparate application of laws and discriminate between girls and boys with respect to legal capacity (including minimum age for marriage), civil liability and age of criminal responsibility.

20. **The Committee recommends that the State party review its legislation so that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, and in particular that they are gender neutral, and ensure that they are enforced.**

3. General principles

Non-discrimination

21. The Committee is concerned at the persistence of discrimination under the law. In particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock under the Civil and Penal Codes is incompatible with article 2. Moreover, the Committee is concerned that discriminatory social attitudes towards the education of girls, primarily in rural areas, result in low school enrolments and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother, under the Civil Code (e.g. in relation to custody, guardianship and nationality) is incompatible with article 2. The Committee expresses its concern at the persistence of stereotypical attitudes about the roles and responsibilities of women and men.

22. **Concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Cultural and Social Rights (E/C.12/1993/7), and in accordance with article 2 of the Convention, the Committee recommends that the State party take effective measures to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee recommends that the State party make every effort to enact or rescind, where necessary, civil and criminal legislation to prohibit any such discrimination. In this regard, the Committee encourages the State party to consider the practices of other States that have been successful in reconciling fundamental rights with Islamic texts. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.**

23. As noted by the Committee on the Elimination of Racial Discrimination (A/54/18, paras. 294-313), the Committee is concerned at the large disparities in the enjoyment of rights in provinces inhabited largely by persons belonging to ethnic minorities, especially in Sistan and Baluchestan, Lorestan, West Azarbaijan, Ardabil and Hormozgan.

24. **The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee recommends that the State party prioritize and target social services for children belonging to the most vulnerable groups.**

Best interests of the child

25. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration, including in matters relating to family law (e.g. duration of custody under articles 1169 and 1170 of the Civil Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

26. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein.**

Right to life

27. The Committee is seriously concerned that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of article 220 of the Penal Law, which provides that a man who kills his own child or his son's child is subject only to discretionary punishment and the payment of blood money.

28. **The Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for such crimes, and ensure prompt and thorough investigations and prosecutions.**

29. In light of articles 6 and 37 (a) of the Convention, the Committee is seriously disturbed at the applicability of the death penalty for crimes committed by persons under 18 and emphasizes that such a penalty is incompatible with the Convention.

30. **The Committee strongly recommends that the State party take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18.**

Respect for the views of the child

31. The Committee welcomes the initiation of the "school mayor" programme, but is nevertheless concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family. The Committee is concerned that the child's views may only be represented in judicial proceedings affecting him or her through the father, paternal grandfather or other appointed guardian and not directly by the child. The Committee is of the opinion that article 1041 of the Civil Code providing that the marriage of a minor is valid if the father or legal guardian has given his consent, notwithstanding the views of the child, is incompatible with the Convention.

32. **The Committee encourages the State party to promote and facilitate within the family, the school, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to enable them to assist children to express their informed decisions and take these views into consideration. The Committee recommends that the State party take all necessary measures to halt early and forced marriages, including public education campaigns, particularly in rural areas. The Committee recommends that the State party seek assistance from UNICEF, among others.**

4. Civil rights and freedoms

Freedoms of expression and assembly

33. The Committee is concerned that although the freedoms of expression and assembly are formally recognized in the Constitution, the exercise of these rights by children are restricted by vaguely worded limitation clauses (i.e. "in accordance with Islamic criteria"), which potentially exceed the permitted restrictions set out in paragraph 2 of articles 13 and 15 of the Convention. The Committee is concerned at reports of incidents of threats and violence by vigilante groups, such as Ansari-Hezbollah, directed at persons seeking to exercise or to promote the exercise of these rights.

34. **The Committee recommends that the State party establish clear criteria to assess whether a given action or expression is in accordance with interpretations of Islamic texts, and consider appropriate and proportionate means to protect public morals while safeguarding the right of every child to freedom of expression and assembly.**

Freedom of thought, conscience and religion

35. The Committee emphasizes that the human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. In light of article 14 of the Convention, the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), Commission on Human Rights resolution 2000/33, the Human Rights Committee's General Comment 22, and concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Social and Cultural Rights (E/C.12/1993/7), the Committee is concerned at the restrictions on the freedom of religion, and that restrictions on the freedom to manifest one's religion do not comply with the requirements outlined in article 14, paragraph 3. The Committee is especially concerned at the situation of members of non-recognized religions, including the Baha'is, who experience discrimination in areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities.

36. **The Committee recommends that the State party take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. The Committee recommends that the State party make every effort to enact or rescind, where necessary, legislation to prohibit any such discrimination, and take all appropriate measures, including public education campaigns, to combat intolerance on the grounds of religion or other belief. The Committee endorses the recommendations made by the Special Rapporteur on the question of religious intolerance following his visit to the State party (E/CN.4/1996/95/Add.2) and recommends that the State party implement them fully.**

Protection from torture, inhuman or degrading treatment or punishment

37. In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons who committed crimes while under 18 can be subjected to corporal punishment under Note 2 of article 49 of the Islamic Penal Law, or can be subjected to a variety of types of cruel, inhuman or degrading treatment and punishment such as amputation, flogging and stoning, which are systematically imposed by judicial authorities. Concurring with the Human Rights Committee (CCPR/C/79/Add.25), the Committee finds that application of such measures is incompatible with the Convention.

38. **The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment under Note 2 of article 49 of the Islamic Penal Law and the imposition of amputation, flogging, stoning and other forms of cruel, inhuman or degrading treatment and punishment to persons who may have committed crimes while under 18.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

39. In light of articles 19 and 39 of the Convention, the Committee is concerned that legislation provides for corporal punishment within the family, under Note 2 of article 49 and article 59 of the Islamic Penal Law and article 1179 of the Civil Code.

40. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family and in the schools. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and the schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to: receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identifying, reporting and managing cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.**

6. Basic health and welfare

Children with disabilities

41. While there are support mechanisms for the care of children with disabilities, the Committee is concerned that inadequate efforts has been made to include such children in mainstream society.

42. **The Committee recommends that the State party review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69) and ensure that they enjoy all the rights contained in the Convention. The Committee encourages the State party to make greater efforts to promote community-based rehabilitation programmes and inclusive education. The Committee encourages the State party to undertake greater efforts to make the necessary resources available, and to seek assistance from UNICEF, WHO, and relevant NGOs, among others.**

Right to health and health care

43. Noting the significant achievements made in the area of child health, the Committee is however concerned at the insufficient information available in relation to adolescent health, including on reproductive health services, STD and HIV/AIDS prevention programmes, counselling services and substance abuse.

44. **The Committee recommends that the State party undertake a comprehensive study to determine the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.**

Right to an adequate standard of living

45. The Committee is concerned about large numbers of children living and/or working on the streets, particularly in urban centres such as Tehran and Isfahan, who are amongst the most marginalized groups of children in Iran.

46. **The Committee recommends that the State party establish mechanisms to ensure that these children are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children have access to health care; rehabilitation services for physical, sexual, and substance abuse; services for reconciliation with their families; comprehensive education, including vocational and life-skills training; and legal aid. The Committee recommends that the State party seek assistance from UNICEF, among others.**

7. Education, leisure and cultural activities

Aims of education

47. Noting significant efforts by the State party to improve education coverage, the Committee is concerned that the aims of education as presented in paragraphs 150-152 of the report do not adequately reflect the aims outlined in article 29 of the Convention, particularly in regard to the development and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities.

48. **The Committee recommends that the State party take due regard of the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee encourages the State party to seek assistance from UNICEF, UNESCO and relevant NGOs, among others.**

8. Special measures of protection

Unaccompanied, asylum-seeking and refugee children

49. The Committee is concerned that many refugee children remain unregistered, which limits their ability to fully utilize social services, including schools.

50. **The Committee recommends that the State party: ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; set up a central system of registration and monitoring of refugees in order to provide accurate statistics, and clarify the status of refugees; adopt special measures to deal with unaccompanied children; entertain requests for family reunification in view of its impact of the possibility of resettlement in third countries of asylum; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families, particularly Afghan refugees, to support themselves. The Committee encourages the State party to continue and expand its cooperation with international agencies, including UNHCR and UNICEF.**

Economic exploitation

51. The Committee is concerned at the large numbers of children involved in child labour, especially in the informal sector, such as household enterprises and agriculture, many of whom are working in hazardous conditions.

52. **The Committee recommends that the State party raise the age for the end of compulsory education to the minimum age of admission to employment as set out under article 79 of the Labour Act. Employers should be required to have and produce on demand proof of age of all children working on their premises, and the State party should vigorously pursue enforcement of minimum-age standards. In light of the State party's assertion that child labour legislation is in conformity with ILO standards (CRC/C/41/Add.5, para. 4), the Committee encourages the State party to ratify the ILO Conventions concerning child labour, including the Convention concerning the Minimum Age for Admission to Employment (No. 138), and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). The Committee recommends that the State party seek assistance from ILO, among others.**

Administration of juvenile justice

53. The Committee is concerned that persons under 18 may be prosecuted for crimes in the same manner as adults, without special procedures; are potentially liable for the same penalties as adults; may be subject to deprivation of liberty without due process under article 49 of the Islamic Penal Law; and, apart from facilities in some large cities, may be held in detention with adults. Furthermore, the Committee is concerned that the right of juvenile delinquents to protective and rehabilitative measures is not guaranteed.

54. **The Committee recommends that the State party establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. Particular attention should be paid to ensure that deprivation of liberty is only used as a measure of last resort, children have access to legal aid, and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. The Committee recommends that the State party seek assistance from OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the Coordination Panel on Juvenile Justice, among others.**

9. Dissemination of the reports

55. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

GEORGIA

1. The Committee considered the initial report of Georgia (CRC/C/41/Add.4/Rev.1), submitted on 21 January 1998, at its 619th to 620th meetings (see CRC/C/SR.619-620), held on 17 May 2000, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's initial report which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q/GEO/1) which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

3. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

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* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

4. The Committee notes the efforts of the State party in the area of legal reform. In particular, it notes the adoption of a new Constitution (1995) which guarantees universally recognized rights and freedoms. The Committee also notes the enactment of the National Ombudsman Act (1995), the Education Act (1997), the Adoption Act (1997), the Criminal Procedures Code (1997), the Civil Procedural Code (1997), the Law on the Protection and Encouragement of the Natural Feeding of Children (1999) and the Criminal Code (1999). In this context, the Committee welcomes the establishment of the Parliamentary Subcommittee on Mother and Child Affairs to participate in the preparation of draft laws relevant to children. It is noted that the Subcommittee has devoted considerable attention to the situation of children in pre-schools, children's homes and special boarding schools for children.

5. The Committee welcomes the establishment of the Office of the Public Defender (1996) to examine complaints of violations of human rights and notes that it includes a Commissioner for the Rights of Women and Children.

6. The Committee welcomes the ratification by the State party of the six main international human rights instruments as well as its accession to the Council of Europe and its subsequent ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms.

7. The Committee expresses satisfaction that the State party, with the support of the Office of the High Commissioner for Human Rights and UNICEF, has translated the Convention on the Rights of the Child, the Universal Declaration of Human Rights and other human rights instruments into the Georgian and Abkhaz languages.

8. The Committee welcomes the election of the Youth Parliament of Georgia (April 2000) which is mandated to consider relevant youth issues and prepare recommendations in this regard to the National Parliament of Georgia. The Committee notes that 50 per cent of the Youth Parliament's 166 members are between the ages of 14 and 18 years.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the high levels of unemployment and poverty. The Committee further notes that the civil and political unrest which emerged soon after the State party declared its independence in 1991 has slowed the period of transition and prevented the implementation of adequate programmes and services for children, especially those in conflict zones.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

10. While the Committee notes the recent efforts by the State party to enact additional legislation and to undertake a review of its legislation to ensure greater consistency with the Convention, it is concerned that domestic legislation still does not fully reflect the principles and provisions of the Convention.

11. The Committee recommends that the State party reinforce its efforts to ensure that its laws conform fully with the principles and provisions of the Convention and in this regard encourages the prompt submission of the recommendations of the review of legislation to Parliament with a view to their early implementation. The State party is further encouraged to consider the possibility of enacting a comprehensive code for children.

Coordination

12. The Committee notes with concern the lack of an effective mechanism to facilitate the coordination and systematic implementation of the Convention and to monitor the progress achieved in this regard. While the Committee notes the efforts of the State party to foster closer relations and cooperation with NGOs involved in the implementation of children's programmes, it is concerned that insufficient efforts have been made to include civil society in the coordination and implementation of the Convention. The Committee notes the State party's intention to prepare a national plan of action for children.

13. The Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, allocate resources, both human and financial, develop capacity, and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for the implementation of the Convention.

Data collection

14. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all categories of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

15. The Committee recommends that the State party reinforce its efforts to introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in the mountainous regions; children with disabilities; children living in poverty; children in

conflict with the law; children of single-parent families; child victims of abuse, including sexual abuse; children living and/or working on the streets; internally displaced children; and children affected by armed conflicts, especially those in South Ossetia and Abhkazia, particularly in the Gali district. The Committee takes note of the State party's request for technical assistance in this regard and encourages it to follow up with, among others, the United Nations Population Fund (UNFPA) and UNICEF.

Independent monitoring structures

16. While the Committee notes the establishment of the Office of the Public Human Rights Defender to examine complaints of violation of human rights, it is concerned that insufficient efforts have been made to ensure that this complaint mechanism is easily accessible and available to children whose rights have been violated. Concern is also expressed that the post of Public Defender has remained vacant for several months and that insufficient resources have been allocated for the effective functioning of the Office of the Public Defender.

17. The Committee suggests that the State party take all appropriate measures to ensure that its independent complaints mechanisms are easily accessible to and user-friendly for all children so that it may deal with complaints of violations of their rights and provide remedies for such violations. In this regard, the Committee suggests that the State party introduce an awareness-raising campaign to facilitate the effective use by children of such a mechanism. Further, the Committee recommends that the State party allocate adequate financial and human resources to ensure the effective functioning of the Office of the Public Defender in all regions of the country. The State party is encouraged to consider the early appointment of regional representatives in this regard.

Allocation of budgetary resources

18. While the Committee notes that the civil and political unrest, the economic crisis and the structural adjustment programme have had adverse effects on social investment, it is concerned that in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children "to the maximum extent of ... available resources". Concern is also expressed at the widespread practices of tax evasion and corruption which are believed to have an effect on the level of resources available for the implementation of the Convention.

19. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The Committee recommends that the State party undertake all appropriate measures to improve its system of tax collection and reinforce its efforts to eradicate corruption.

Dissemination of the principles and provisions of the Convention

20. The Committee notes that the Convention has been translated into the Georgian and Abkhaz languages and that human rights, including the rights of the child, have been included in the school curricula in Tbilisi. The Committee remains concerned, however, that insufficient efforts have been made to promote awareness of the principles and provisions of the Convention and that professional groups, children, parents, and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

21. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers and school administrators, especially outside of the capital; health personnel, including psychologists, and social workers; and personnel of childcare institutions. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula in all regions of the State party and at all levels of the educational system. In this regard, the Committee encourages the State party to continue its technical cooperation programmes with OHCHR and UNICEF, among others.

2. Definition of the child

22. The Committee notes with concern that the law does not include legal minimum ages for sexual consent and medical treatment without parental consent.

23. It is recommended that the State party enact relevant legislation concerning the minimum legal ages for sexual consent and medical treatment without parental consent.

3. General principles

Non-discrimination

24. The Committee notes with concern that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, including children living in conflict areas, children living in institutions, children living in the mountainous regions, children with disabilities, children of single parent families, children of poor families, children in conflict with the law, children living and/or working on the streets, refugee children and internally displaced children. The Committee is particularly concerned about their limited access to adequate health, education and other social services.

25. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and their full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

Best interests of the child

26. The Committee is concerned that the general principle of the best interests of the child has not been taken fully into account in the State party's legislative, administrative and judicial decisions, as well as in policies and programmes relevant to children.

27. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Respect for the views of the child

28. The Committee notes the efforts of the State party to encourage respect for the views of the child in court and administrative proceedings as well as within the school environment through, inter alia, the establishment of school councils where students are represented and allowed to promote the views of their peers. It is concerned, however, that the views of children are still not adequately respected within the family and in society generally.

29. The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, and care and other institutions.

4. Civil rights and freedoms

Freedom of association

30. The Committee notes with concern that the law prohibits youth from becoming members of political parties and that this prohibition limits the opportunity for youth to learn about the political process, delays their preparation for political leadership, and denies their full right to freedom of association.

31. In light of article 15 of the Convention, the Committee recommends that the State party amend its legislation to ensure that youth are allowed to join political parties and that they fully enjoy their right to freedom of association.

Access to appropriate information

32. The Committee notes with concern that despite existing prohibitions, including the enactment of legislation banning abuse of the naivety and inexperience of minors in advertising, children are still not adequately protected from harmful information, including violence and pornography.

33. In light of article 17 of the Convention, the Committee recommends that the State party strengthen its efforts to protect children from harmful information.

5. Family environment and alternative care

Protection of children deprived of a family environment

34. While the Committee welcomes the State party's programme of deinstitutionalization, it is concerned about the still high number of institutionalized children and the poor standard of living and quality of care in institutions.

35. The Committee recommends that the State party establish a code of standards to ensure that children deprived of a family environment receive adequate care and protection. The Committee recommends that the State party reinforce its efforts to provide additional training, including in children's rights, for the staff of institutions; ensure the periodic review of placements in institutions; and establish an independent complaint mechanism for children in alternative care institutions. The Committee encourages the State party to introduce measures to guarantee and protect the human dignity of children living in institutions and to make these institutions more child friendly. The State party is also encouraged to increase the level of resources allocated for the protection and care of children deprived of a family environment. Finally, the Committee recommends that the State party increase its efforts to prevent institutionalization and pay special attention in that regard to vulnerable families by, for example, providing them with adequate support services.

Foster care

36. While the Committee notes that the State party has recently adopted a new law on foster care, it remains concerned that insufficient resources impede the effective implementation of this new law. Concern is also expressed at the unregulated nature of the practice of kinship fostering.

37. The Committee recommends that the State party provide adequate resources, both financial and human, for effective implementation of the new law on foster care; introduce programmes to raise awareness and promote foster care; and undertake measures to regulate kinship fostering in order to ensure that the best interests of the children concerned are taken into account.

Adoption

38. The Committee notes with concern that both domestic and intercountry adoptions are inadequately monitored. While the Committee notes the State party's concerns regarding adoptions and the need to keep the identity of genetic parents confidential, it is deeply concerned that the law on adoption provides that the date and place of birth of an adopted child may be changed at the request of the adoptive parents.

39. In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions. With reference to articles 3 and 7 of the Convention the Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their genetic

parents are preserved and, where possible, made available to these children upon request and when in their best interests. Additionally, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse/neglect/maltreatment/violence

40. The Committee notes with appreciation that a department for the protection of the rights of children has been established within the Ministry of Education to monitor and prevent abuse and neglect of children and that a research project was conducted in 1997 to ascertain the real situation of abuse of children within schools, the family and in society generally. The Committee welcomes the appointment of inspectorates for the affairs of minors that are mandated to monitor the situation of abuse within families, as well as the establishment of a crisis centre which includes rehabilitation programmes for street children and women victims of domestic violence. However, the Committee remains concerned at the high and increasing incidence of abuse of children, including sexual abuse, neglect, abandonment and domestic violence. The Committee also expresses concern at the lack of awareness and information on domestic violence, ill-treatment and abuse (physical, sexual and psychological) of children and the insufficient financial and human resources allocated, as well as at the inadequacy of the programmes established to prevent and combat all forms of abuse of children. While the Committee notes that a State programme for the protection, development and social adaption of minors has been established it is concerned that funding allocated for its implementation is insufficient.

41. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) with a view to adopting adequate policy measures and to changing traditional attitudes. The Committee recommends that all appropriate measures be taken to introduce mandatory reporting of abuse, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated within a child-friendly judicial procedure and sanctions applied to perpetrators, including treatment, with due regard given to protecting the right to privacy of the child. Additional measures should also be taken to ensure the physical and psychological recovery and social reintegration of child victims in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party take all appropriate measures to discourage the neglect and abandonment of children. The State party is encouraged to allocate funds to implement the State programme for the protection, development and social adaption of minors. The Committee recommends that the State party seek technical assistance from UNICEF, among others.

Corporal punishment

42. While the Committee notes that corporal punishment in schools is prohibited by law and that there is an intention also to prohibit its use within the family, it is concerned that this type of punishment continues to be used in schools, families and care institutions.

43. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, within the family, the schools and care institutions. The Committee further recommends that the State party, through, for example, public awareness campaigns, promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in families, the schools and care institutions.

6. Basic health and welfare

Right to health and access to health services

44. The Committee notes with appreciation the elaboration of a National Health Policy to the year 2010 with the support of WHO and the World Bank, which includes the enhancement of the health of mothers and children as one of its priorities. However, the Committee is concerned about the health situation of children which continues to be affected by the poor economic situation within the State party. In particular, it notes the limited access to and quality of health services, particularly among children living in conflict zones as well as in the mountainous regions; the increasing cost of basic health care of which the State party covers only 15-20 per cent; the inadequate allocation of funding for health; the high maternal, child and infant mortality rates; the increasing malnutrition rate; and the deteriorating situation of sanitation and safe drinking water supplies. While the Committee notes that the State party is receiving technical assistance for the immunization campaign, it is concerned that vaccines continue to be unavailable and that negative social attitudes towards vaccinations have resulted in a resurgence of preventable diseases such as diphtheria.

45. The Committee recommends that the State party allocate appropriate resources for the implementation of the National Health Policy and, where appropriate, develop additional policies and programmes to improve the health situation of children, especially those living in mountainous regions and conflict zones; facilitate greater access to and quality of primary health services; ensure the availability of vaccines; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children; and increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to continue its cooperation with respect to the Integrated Management of Childhood Illnesses initiative.

Adolescent health

46. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate disaggregated data in the area of adolescent health, including teenage pregnancy, abortion, HIV/AIDS and STDs, alcohol, drug and substance abuse, including tobacco use, violence and mental health.

47. The Committee recommends that the State party increase its efforts in promoting adolescent health policies and child-friendly counselling services as well as strengthening reproductive health education, including the promotion of acceptance by men of the use of contraceptives. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to ascertain the scope of adolescent health problems, including the special

situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party take further measures, including the allocation of adequate human and financial resources, to increase the number of social workers and psychologists, and to develop youth-friendly care and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from UNICEF and WHO, among others.

Children with disabilities

48. The Committee welcomes the 1997-2000 State programme for social protection and rehabilitation of children with disabilities as well as the survey undertaken in this regard. The Committee remains concerned, however, about the absence of protection and the lack of adequate facilities, coordination and services for children with disabilities. The Committee is also concerned that insufficient efforts have been made to facilitate the inclusion of children with disabilities in the regular school system and in society generally.

49. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and, where possible, encourage their inclusion in the regular school system and in society generally. The Committee recommends that the State party take all appropriate measures to ensure that adequate resources are allocated for the effective implementation of programmes and services for children with disabilities, as well as their families. Further, the Committee recommends that the State party undertake an awareness-raising campaign to sensitize the public about the rights and special needs of children with disabilities, including children with mental health concerns. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities from WHO, among others.

Right to an adequate standard of living

50. The Committee notes with concern the large percentage of the population living below the poverty line (approximately 43 per cent and mainly in urban centres) and the inability of the social security system to improve the situation of the growing number of poor families.

51. In accordance with article 27 of the Convention, the Committee recommends that the State party increase its efforts to provide material assistance and support to economically disadvantaged families and guarantee the right of children to an adequate standard of living. In this context, the State party is encouraged to promote programmes to discourage and prevent child begging. The Committee encourages the State party to proceed with the programme, in cooperation with the World Bank, to eradicate poverty, especially among children.

7. Education, leisure and cultural activities

Right to and aims of education

52. While the Committee notes that the Constitution provides for the right to education and that the 1997 Education Act was adopted with a view to improving the situation of education in the State party, it remains concerned at the situation of education, particularly of children in conflict zones and the mountainous regions. In this connection, the Committee expresses concern at the impact of the economic situation on the educational system as well as the decline in enrolment and attendance rates, particularly at the secondary level; the poor infrastructure, including inadequate heating, classrooms and other facilities for instruction; the limited availability of learning materials; insufficient resources, both human and financial; and inadequate instruction in local languages. The Committee also notes with concern that the current economic conditions in the State party and the increasing cost of childcare services have led to a significant decline in the enrolment of children in pre-school.

53. The Committee recommends that the State party take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation of education and ensure that all children enjoy the right to education. The Committee further recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education, and to facilitate pre-school education. The Committee encourages the State party to take all appropriate measures to improve the quality of teaching, to develop child-friendly schools, and to facilitate the introduction of traditional languages into the school curricula. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

8. Special protection measures

Refugee, asylum-seeking and internally displaced children

54. The Committee notes that despite limited resources, Georgia has received some 5,000 Chechnyans, mainly women, children and elderly people. The Committee notes that the State party has enacted the Refugees Act; however, it is concerned that insufficient efforts have been made to establish a special refugee status determination procedure for unaccompanied minors. Concern is also expressed at the absence of specific regulations regarding family reunification.

55. The Committee recommends that the State party take all appropriate measures to protect the rights of refugee, asylum-seeking and unaccompanied children and facilitate their access to adequate housing, education, health and other social services. In this regard, the State party should consider the adoption of legislation on asylum-seekers. Additionally, it is recommended that the State party take measures to facilitate family reunification and to establish an efficient refugee status determination procedure for unaccompanied minors. The Committee further recommends that the State party undertake a study on refugee, asylum-seeking and unaccompanied children to ascertain the

extent to which they are victims of torture or other cruel, inhuman or degrading treatment and punishment; economic exploitation, including forced labour; commercial sexual exploitation; sale, trafficking and abduction; and abandonment, abuse and neglect.

Internally displaced children

56. The Committee notes the adoption of the Forcibly Displaced Persons-Exiles Act and the State party's efforts, in cooperation with UNHCR, to provide humanitarian assistance to internally displaced persons, including free health care and education for children. However, the Committee remains concerned about their situation.

57. The Committee recommends that the State party implement the "New Approach" to internal displacement, which is to improve the current conditions of internally displaced persons while continuing to support their right to return voluntarily to their homes in safety and dignity, as developed by UNDP, UNHCR, the World Bank and the Office for the Coordination of Humanitarian Affairs (OCHA) and endorsed by the State party.

Children in armed conflict

58. The Committee is concerned that insufficient efforts have been made to guarantee and protect the rights of children living in conflict areas, including in South Ossetia and Abkhazia (especially in the Gali district). The Committee expresses grave concern at the significant number of landmines still in the State party, especially in the western regions along the border zones. The Committee notes with concern the insufficient efforts made by the State party to locate and clear these landmines and to protect children in this regard. Concern is also expressed about the inadequate programmes to facilitate the care and rehabilitation of child victims of landmines and the insufficient efforts to raise awareness and to prevent accidents involving children and landmines.

59. In light of articles 38 and 39 of the Convention, the Committee recommends that the State party take all appropriate measures to ensure the protection and care of children affected by armed conflict, including their physical and psychological recovery and social reintegration. The Committee strongly recommends that the State party take all appropriate measures to locate and clear the landmines in its territory, and promote awareness about the potential dangers. The State party is recommended to undertake a study to determine the impact of landmines in its territory, particularly as this affects children living in the western regions along the border. The Committee recommends that the State party reinforce its efforts to accede to the Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction, which it signed in December 1997. Additionally, the State party is encouraged to seek technical cooperation with the United Nations Mine Action Service (UNMAS), among others.

Economic exploitation

60. The Committee welcomes the State party's ratification of the ILO Convention concerning the Minimum Age for Access to Employment (No. 138). In light of the current economic

situation, declining school enrolment and attendance rates, and the increasing number of children living and/or working on the streets, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation within the State party, including in the informal sector. Concern is also expressed at the significant number of children begging on the streets and their vulnerability to exploitation and abuse.

61. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector. The State party is encouraged to continue its cooperation with IPEC to finalize, by the end of 2000, a child labour survey to assess the situation of children in this regard. The Committee encourages the State party to consider ratifying the ILO Worst Forms of Child Labour Convention, No. 182.

Children living and/or working on the streets

62. Concern is expressed at the large and increasing number of children living and/or working on the streets.

63. The Committee recommends to the State party to establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care, rehabilitation services for physical, sexual, and substance abuse, protection from police brutality, services for reconciliation with their families and education, including vocational and life-skills training. The Committee recommends to the State party to cooperate and coordinate its efforts in this regard with civil society.

Drug abuse

64. The Committee is concerned at the increasing incidence of drug, alcohol and substance abuse among youth as well as the lack of financial and human resources, inadequate monitoring mechanism and insufficient psychological, social and medical programmes and services available in this regard.

65. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including administrative, social and educational measures, to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes dealing with child victims of alcohol, drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from UNICEF, WHO, the United Nations International Narcotics Control Board, among others.

Sexual exploitation and abuse/sale, trafficking and abduction

66. The Committee expresses concern about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation. The Committee also notes with concern that there have been reported incidents of sale, trafficking and abduction of children, especially girls, for commercial sexual exploitation.

67. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate legislation, policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children, as well as the sale, trafficking and abduction of children for commercial sexual exploitation.

Juvenile justice

68. Concern is expressed at the increasing number of children in conflict with law and the limited measures taken by the State party to address their concerns. In particular, the Committee notes:

(a) The absence of adequate legislation on juvenile justice, as well as the inconsistency of the juvenile justice system with the Convention and other relevant United Nations standards;

(b) The poor conditions of juvenile detention facilities, including the lack of adequate food, clothing, heating, educational opportunities and leisure activities for child detainees;

(c) The inadequate facilities for children in conflict with the law; the insufficient numbers of trained personnel to work with children in this regard; and the lack of a complaint mechanism for children whose rights have been violated.

69. The Committee recommends that the State party:

(a) Take all appropriate measures to implement a juvenile justice system that is in conformity with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty;

(b) Use deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty, including their right to privacy; and ensure that children deprived of their liberty remain in contact with their families;

(c) Take all appropriate measures to improve the situation of children in juvenile detention facilities, including their access to adequate food, clothing, heating, educational opportunities and leisure activities;

(d) Introduce training programmes on relevant international standards for all professionals involved with the administration of juvenile justice;

(e) Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

9. Dissemination of reports

70. Finally, **the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the child

JORDAN

1. At its 621st and 622nd meetings (see CRC/C/SR. 621-622), held on 18 May 2000, the Committee on the Rights of the Child considered the second periodic report of Jordan (CRC/C/70/Add.4), which was submitted on 5 August 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee regrets that the State party's report (CRC/C/70/Add.4) was not prepared according to the guidelines established for the submission of periodic reports. The Committee also regrets the absence of examples and disaggregated data on the exercise and enjoyment of the rights contained in the Convention, and insufficient assessment or evaluation of the actual situation of children in Jordan. The Committee welcomes, however, the extensive information provided with respect to education, and the detailed annexes on health and child labour. The Committee appreciates the detailed and informative responses to the list of issues.

* At the 641st meeting, held on 2 June 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes Jordan's progress towards the achievement of most of the goals for the year 2000 laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

4. The Committee welcomes the royal decree in March 2000 establishing the National Committee for Human Rights.

5. The Committee welcomes Jordan's ratification of major international human rights treaties, including ratification of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes the various initiatives in the area of human rights undertaken by the State party in cooperation with the international community.

6. The Committee notes that Jordan hosts a large refugee population, and maintains good cooperation with the international community in this regard.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that economic reforms have had a severe impact on the economy, and especially on the most vulnerable segments of society.

8. The Committee notes that population pressures coupled with a lack of resources, particularly water, in light of the worst drought in decades have severely affected the population.

9. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights protected under the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

10. The Committee observes that the State party's reservation to articles 20 and 21 of the Convention is superfluous. It points out that article 20 (3) of the Convention expressly recognizes *kafalah* of Islamic law as alternative care, and article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which in any case does not apply to Jordan.

11. **The Committee recommends to the State party to withdraw its reservation to articles 20 and 21 of the Convention, in accordance with the Vienna Declaration and Programme of Action.**

12. The Committee is concerned that the broad and imprecise nature of the reservation to article 14 potentially gives rise to infringements of the freedoms of thought, conscience and religion, and raises questions of its compatibility with the object and purpose of the Convention.

13. **In light of its previous recommendations (CRC/C/15/Add.21), the Committee recommends to the State party to study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's General Comment 22 and recommendations (CCPR/C/79/Add.35), and eventually, to withdraw it in accordance with the Vienna Declaration and Programme of Action.**

14. Although the Convention is purported to have the force of law and takes precedence over all legislation except the Constitution, and courts are expected to accord precedence to it, the Committee observes that almost 10 years have passed since ratification and the Convention is not yet published in the Official Gazette.

15. **The Committee recommends to the State party to expedite the publication of the treaty in the Official Gazette and to take the necessary action to make it enforceable in the courts, including courts of first instance.**

16. The Committee notes the State party's efforts in preparing a draft Childhood Act and draft amendments to various legislation to ensure their compliance with the Convention. Nevertheless, the Committee is concerned that insufficient efforts have been made to secure their speedy adoption.

17. **The Committee recommends to the State party to ensure that the draft Childhood Act is in conformity with the principles and provisions of the Convention and to expedite the passage into law of this and other legislative amendments related to the provisions of the Convention.**

Coordination

18. The Committee notes the establishment of the National Task Force for Children for the coordination of activities of civil society through the National Coalition for Children. However, the Committee is concerned that inadequate administrative coordination and cooperation at the national and local levels of government is a serious problem in the implementation of the Convention.

19. **The Committee recommends to the State party to: adopt a comprehensive national plan of action to implement the Convention; allocate resources (human and financial); develop professional capacity; and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention.**

Independent monitoring structures

20. Noting the decree establishing a National Human Rights Committee, the Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels.

21. **In light of its previous recommendations (CRC/C/15/Add.21), the Committee encourages the State party to establish a statutory independent institution, with an appropriate membership and with adequate resources, the mandate to regularly monitor and evaluate progress in the implementation of the Convention, and empowered to receive and act upon complaints of violations of child rights. In this regard, the Committee recommends to the State party to seek assistance from, inter alia, UNICEF and the Office of the High Commissioner for Human Rights.**

Allocation of budgetary resources

22. The Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

23. **While recognizing the difficult poor economic conditions, the Committee emphasizes that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the redistribution of existing resources. The Committee recommends to the State party to develop ways to undertake a systematic assessment of the impact of budgetary allocations on the implementation of children's rights, and to collect and disseminate information in this regard. The Committee recommends to the State party to ensure the distribution of adequate resources at the national and local levels, where needed within the framework of international cooperation.**

Training in dissemination of the Convention

24. Noting efforts by the State party, the Committee is nevertheless concerned at the low level of awareness of the Convention amongst the general public, including children and professionals working with and for children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

25. **The Committee recommends to the State party to develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends to the State party to strengthen its efforts to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and**

places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

2. Definition of the child

26. Noting efforts to raise the age of criminal responsibility to 12 years, the Committee, in light of its previous concluding observations (CRC/C/15/Add.21), remains concerned at the existing very low age which is set at 7 years.

27. Noting efforts to raise the minimum age for marriage to 18 for both boys and girls, the Committee is concerned that the existing age-limits of 15 years for girls and 16 years for boys are too low and are discriminatory. The Committee is also concerned about early and forced marriages, primarily in rural areas.

28. **The Committee recommends to the State party to review its legislation to ensure that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention and are gender neutral, and take steps to enact any necessary amendments promptly and ensure that they are enforced. In addition, the Committee recommends to the State party to continue its efforts in respect of public education campaigns to combat early and forced marriages, particularly in rural areas.**

3. General principles

Non-discrimination

29. The Committee is concerned by the persistence of discrimination under the law, in particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock is incompatible with article 2. Moreover, the Committee is concerned that discriminatory social attitudes towards the education of girls, primarily in rural areas, result in their low levels of school enrolment and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother (e.g. in relation to custody, guardianship and nationality) is incompatible with article 2. The Committee expresses its concern at the persistence of stereotypical attitudes about the roles and responsibilities of women and men. In light of the Committee's previous recommendations (CRC/C/15/Add.21), the Committee remains concerned that restrictions on the right of a Jordanian woman to pass on her nationality to her child, particularly where she is married to a refugee, may result in the child becoming stateless.

30. **In accordance with the findings of the Human Rights Committee (CCPR/C/79/Add.35), the Committee on the Elimination of Discrimination against Women (CEDAW) (CEDAW/C/JOR/2), its own previous concluding observations**

(CRC/C/15/Add.21) and with article 2 of the Convention, the Committee recommends to the State party to take effective measures to prevent and eliminate discrimination on the grounds of sex and birth status in all fields of civil, economic, political, social and cultural life. The Committee recommends to the State party to incorporate equality on the basis of sex in article 6 of the Constitution. The Committee recommends to the State party to make all efforts to enact or rescind civil and criminal legislation, where necessary, to prohibit any such discrimination. In this regard, the Committee encourages the State party to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. The Committee recommends to the State party to take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.

31. The Committee expresses its concern at the disparities in the enjoyment of rights, especially with regard to health and education, experienced by children belonging to vulnerable groups, including those living in rural regions of the country and those living in unofficial Palestinian refugee camps.

32. **The Committee recommends to the State party to take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee recommends to the State party to prioritize and target social services for children belonging to the most vulnerable groups. The Committee recommends to the State party to seek assistance from the international community, including United Nations agencies such as UNICEF and United Nations Relief and Works Agency for Refugees in the Near East.**

Best interests of the child

33. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration, including in matters relating to family law (e.g. duration of custody under the Personal Status Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

34. **The Committee recommends to the State party to review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein.**

Right to life

35. Noting efforts to support amendments to penal law provisions which discriminate against women, the Committee nevertheless is seriously concerned that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of articles 340 and 98 of the Penal Code (No. 16/1960), which condone crimes perpetrated in the name of honour. The Committee is concerned that there is often reluctance on behalf of the police to arrest perpetrators, and that they receive lenient or token punishments.

36. **In line with Commission on Human rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, the Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, the Committee recommends to the State party to undertake awareness-raising activities demonstrating that such practices are socially and morally unacceptable, and to take steps that ensure that protective custody is replaced by other types of protection for women.**

37. The Committee is concerned at the high incidence of traffic accidents which claim the lives of children.

38. **The Committee recommends to the State party to strengthen and continue efforts to raise awareness about and undertake public information campaigns in relation to accident prevention.**

Respect for the views of the child

39. Noting that article 15 of the Constitution provides for freedom of opinion, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

40. **The Committee encourages the State party to promote and facilitate, within the family, the school and the courts, respect for the views of children and their participation in all matters affecting them in accordance with article 12 of the Convention. In this regard, the Committee recommends to the State party to develop skills-training programmes in community settings for teachers, social workers and local officials to enable them to assist children in expressing informed decisions and to take those views into consideration. The Committee recommends that the State party seek assistance from UNICEF, among others.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

41. Noting the establishment of the Family Protection Unit and efforts to address domestic violence, the Committee remains concerned, in light of articles 19 and 39 of the Convention, at the incidence of ill-treatment of children in schools and within the family. The Committee is concerned that apart from Penal Code provisions with respect to abandonment, abduction and indecent assault with violence, existing legislation is inadequate, and there is no comprehensive plan with effective measures to prevent and treat cases of abuse. Concurring with CEDAW, the Committee is concerned that the serious problem of violence against women in Jordan has harmful consequences on children.

42. **The Committee recommends to the State party to take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and**

sexual abuse of children in the family and the schools. The Committee recommends that these measures be accompanied by preventive measures such as public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends to the State party to promote positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends to the State party to ensure that the Family Protection Unit is adequately resourced; to strengthen its capacity; and to expand its services to cover other regions. The Committee recommends to the State party to continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services. The Committee recommends that the State party seek assistance from UNICEF and the World Health Organization (WHO), among others.

6. Basic health and welfare

Children with disabilities

43. The Committee is concerned at the poor situation of children with disabilities, in particular that only a very small percentage receive specialized services.

44. **The Committee recommends to the State party to review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), and ensure that they enjoy all the rights contained in the Convention. The Committee recommends to the State party to make greater efforts to implement effectively the Welfare of the Disabled Act No. 12 of 1993, and increase the allocation of resources, human and financial, to ensure that children with disabilities have access to rehabilitation, education and other services. The Committee recommends to the State party to continue its efforts to promote inclusive education and to expand and strengthen community-based rehabilitation projects. The Committee recommends that the State party continue to seek assistance from UNICEF, UNESCO, WHO and relevant NGOs, among others.**

Right to health and health services

45. Notwithstanding the improvement in Jordan's health indicators over the past 25 years, the Committee is concerned that children living in rural regions may not have equal access to health services.

46. **The Committee recommends to the State party to ensure that vulnerable groups, such as children living in desert regions, benefit from health services. The State party should continue its efforts to increase the quality and coverage of post-natal care, and to raise awareness and disseminate materials on maternal health and family planning. The State party is encouraged to continue cooperation with UNICEF and WHO, among others.**

47. The Committee i concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns and substance abuse.

48. **The Committee recommends to the State party to undertake a comprehensive study to discover the nature and extent of adolescent health problems, with the full participation of adolescents, and to use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, child-friendly counselling and rehabilitation services, and STD and HIV/AIDS prevention programmes. The Committee recommends to the State party to seek assistance from UNICEF and WHO, among others.**

49. In light of article 24 of the Convention, the Committee expresses its concern at problems involving waste treatment and poor access to safe drinking water and adequate sanitation, particularly in rural areas, which negatively impact upon the health of children.

50. In light of article 24 (c) of the Convention, the Committee recommends to the State party to take all appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental pollution and contamination of water supplies on children, and to strengthen procedures for inspection. The Committee encourages the State party to collect data on access to clean water and sanitation.

Right to an adequate standard of living

51. The Committee is concerned about large numbers of children living and/or working on the streets, particularly in urban centres such as Amman, Zarqa and Irbid, who are amongst the most marginalized groups of children in Jordan. Noting that begging is an offence, the Committee is concerned that children who are picked up for this crime risk court proceedings, or placement in detention or orphanages.

52. The Committee recommends to the State party to repeal the legal provisions criminalizing vagrancy and begging. The State party should establish mechanisms to ensure that street children are provided with identity documents, food, clothing and shelter. Moreover, the State party should ensure that these children have access to health care, rehabilitation services for physical, sexual and substance abuse; services for reconciliation with their families; comprehensive education, including vocational and life-skills training; and legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee recommends that the State party seek assistance from UNICEF, among others.

7. Education, leisure and cultural activities

Right to education

53. Noting the significant achievements by the State party in improving access to education, the Committee is concerned that attention should be focused on improving quality in this sector. The Committee is concerned at the persistence of high drop-out and absenteeism rates, especially at the secondary level, due to, inter alia, lack of interest in school and poverty.

54. **The Committee recommends to the State party to continue to allocate the required resources, human and financial, to repairing and upgrading infrastructure, equipment and teaching materials and improving teachers' salaries, particularly in rural areas. The State party should undertake a process of curriculum reform which stresses the importance of critical thinking and the development of problem-solving skills. The Committee also recommends to the State party to establish retention programmes and vocational training for drop-outs. The State party should promote the importance of early childhood care and development programmes, especially among low-income households, and encourage informal community schemes in this regard. The Committee urges the State party to continue to promote the participation of parents and communities in school governance, to improve enrolment rates and to monitor the quality of education. The Committee encourages the State party to seek assistance from UNICEF, the United Nations Educational, Scientific and Cultural Organizations (UNESCO) and relevant NGOs.**

8. Special measures of protection

Unaccompanied, asylum-seeking and refugee children

55. The Committee is concerned that there is no legislation specifically to guarantee the protection and rights of refugee children. In particular, the Committee is concerned that there are no procedures to prevent refugee children from becoming stateless, no legislative measures applicable to family reunification, and no special status determination procedures for unaccompanied children.

56. **In light of its previous recommendations (CRC/C/15/Add.21), the Committee recommends to the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and to adopt legislation in conformity with these instruments, taking into account the Guidelines on the protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR). The Committee recommends to the State party to adopt special measures to deal with unaccompanied children; develop and implement a functioning system for family reunification to better protect children from being separated from their parents; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families to support themselves adequately. The Committee encourages the State party to continue and expand its efforts to provide education for refugee children.**

Economic exploitation

57. The Committee is concerned that the Labour Law does not provide any protection for children working in family enterprises, agricultural activities and as domestic labour, thereby excluding from adequate protection the sector where child labour in Jordan is concentrated, i.e. the informal sectors, which in many cases involves hazardous conditions. In light of its previous concluding observations (CRC/C/15/Add.21), the Committee remains concerned that children living in remote areas, particularly in Bedouin communities, are often kept out of school to help with farming.

58. **The Committee recommends that the Labour Law be amended to ensure that children working in family enterprises, agricultural activities and as domestic labour are protected and that inspections extend to these areas. Employers should be required, to have, and produce on demand, proof of age of all children working on their premises and the State party should vigorously pursue enforcement of minimum-age standards. The Committee recommends to the State party to continue efforts to implement the 1998 plan of action on child labour. The Committee recommends that the State party seek assistance from the International Labour Organization (ILO), among others.**

Administration of juvenile justice

59. The Committee regrets that no new developments in the area of juvenile justice have occurred since the initial State party report was submitted in 1994.

60. **The Committee reiterates its previous recommendations (CRC/C/15/Add.21): The State party should undertake a comprehensive review of legislation in the light of the Convention and international standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Attention should be paid to measures of rehabilitation and social reintegration, in line with article 39 of the Convention. The Committee recommends to the State party to seek assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.**

Sexual exploitation and sexual abuse

61. The Committee is concerned at the insufficient data on and awareness of the phenomenon of commercial sexual exploitation of children in Jordan, and the absence of a comprehensive and integrated approach to prevent and combat it.

62. **The Committee recommends to the State party to undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends to the State party to review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether Jordanian or foreign, while ensuring that the child victims**

are not penalized. The Committee recommends to the State party to: ensure that laws concerning the sexual exploitation of children are gender neutral; simplify procedures so that responses are appropriate, timely, child friendly and sensitive to victims; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to train personnel working with child victims adequately. The Committee recommends to the State party to carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and to be protected from sexual exploitation.

9. Dissemination of the reports

63. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the second periodic report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**

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Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child
NORWAY

1. The Committee considered the second periodic report of Norway (CRC/C/70/Add.2), submitted on 1 July 1998, its 625th and 626th meetings (see CRC/C/SR. 625-626), held on 22 May 2000 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, the additional information provided and the written answers submitted by the State party to the list of issues (CRC/C/Q/NOR/2). The Committee notes with appreciation the useful statistical information included in the report and the frank and constructive efforts made by the delegation to provide additional information in the course of the dialogue.

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* At the 641st meeting, held on 2 June 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee commends the State party for its overall progress in implementing the Convention on the Rights of the Child.

4. The Committee, in addition, commends the State party on the very positive and independent role of the office of the ombudsperson for children. The Committee also considers as especially noteworthy the fact that the State party prioritizes the social sector both within its own international development assistance programmes and through its participation in relevant international forums. Likewise, the Committee commends the State party's support for the establishment of the research organization "Childwatch International" and its development of NORDEM which aims to facilitate the offering of national expert assistance on, inter-alia, human rights matters, in a spirit of dialogue and cooperation.

5. The Committee is encouraged by the constructive dialogue between Government and NGOs, including in the preparation of the State party's report, and the support given to NGOs in the preparation of an alternative report.

6. The Committee welcomes the withdrawal of the State party's reservation to article 40 (2) (b) (v) of the Convention in 1995, following amendments to the Criminal Procedure Act. In addition, the Committee is encouraged by amendments to the Children Act which strengthen the position of children and the protection of their rights.

7. The Committee also notes with satisfaction that in spite of the widespread international trend of economic recession (during part of the reporting period) and the progression towards a decentralization of social services, the budgetary resources for child welfare programmes have been increasing in the State party. The Committee notes, further, that a system of monitoring the policies and measures taken by municipalities with regard to their implementation of children's welfare programmes has been set up through the County Governor reporting procedure.

8. The Committee takes note of the considerable efforts being made by the State party to combat trends towards intolerance of foreigners and to address the issues of racism and xenophobia, including through the involvement and participation of youth. The Committee also welcomes the active role being taken by the State party within regional forums in encouraging similar approaches to such problems.

9. The Committee notes with satisfaction amendments to the Citizen Act made since publication of the State party's report and their positive impact on the situation of foreign children who are adopted by Norwegian citizens and other persons residing in Norway. The Committee notes, further, the adoption of the 1995 Act prohibiting the circumcision of women and amendments to the 1994 Marriage Act allowing a party to a marriage to initiate proceedings to declare the marriage null and void if he or she was forced into the marriage. In addition, the Committee welcomes the extensive support and intervention programmes available to parents.

10. The Committee would like to commend the State party on its generous contribution to supporting children's rights in developing countries through international cooperation and other assistance.

11. The Committee welcomes the numerous references in the State party's report to its concluding observations on the State party's initial report, and the efforts to respond to some of the recommendations made.

C. Principal subjects of concern

1. General measures of implementation

Legislation

12. The Committee remains concerned that the general principles and provisions of the Convention have not yet been fully incorporated into domestic legislation as recommended.

13. The Committee encourages the State party in its ongoing discussions on this issue and recommends that consideration be given to incorporating the Convention into domestic legislation, in a manner comparable to the incorporation of other regional and international human rights instruments by the 21 May 1999 Human Rights Act.

Implementation at a local level

14. Recognizing the extensive decentralization of decision-making, administration and the delivery of services in the State party, the Committee notes that the significant delegation of powers from the national level to municipalities appears to reflect a weak point in the State party's implementation of the Convention, in that not all municipalities take the Convention fully into consideration.

15. The Committee recommends that the State party undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and that every effort be made to ensure the effective implementation of the Convention at the municipal level.

Budgetary allocations

16. The Committee is concerned that the breadth and standard of welfare services provided by local authorities to children from low-income families, and consequently the standard of living of some children, are unequal in different municipalities across the country partly as a result of significant differences in the financial resources available to different municipal authorities, differences in the priorities set by those authorities and differences in systems of assessing needs and granting assistance. These disparities have the effect of providing either unequal access, or different levels of welfare assistance to children, particularly those with disabilities, according to the area of the country in which they reside.

17. The Committee urges the State party to consider ways in which all children can be guaranteed equal access to the same standard of services, irrespective of where they live, such as, for example, by establishing nationwide standards for and allocation of resources to the implementation of the Convention's provisions, in the context of the provision of welfare services.

Training on the Convention

18. The Committee notes that the training of professionals whose work may involve children is not systematic and that many professionals do not receive such training.

19. The Committee recommends that the State party develop guidelines for child rights training with regard to the appropriate roles of different professional groups, including teachers, lawyers and police officers, and placing emphasis, where relevant, on the concerns raised by the Committee. The Committee recommends, in particular, that attention be given to providing municipal board members and authorities with training in implementation of the Convention on the Rights of the Child as a whole.

2. General principles

Non-discrimination

20. The Committee expresses appreciation of the State party's efforts to ensure that, in practice, children within Norwegian jurisdiction, including those whose presence is not in line with legal requirements, benefit from the rights defined in the Convention. The Committee expresses its concern, nevertheless, that this principle is not established in all relevant domestic legislation, that the absence of a legal guarantee may deprive some children without Norwegian nationality of their rights, and that some limitations are placed on these children's access to health and education services.

21. The Committee recommends that the State party consider the full, including long-term impact of this situation on the rights of children without Norwegian nationality and without legal status living within Norwegian jurisdiction. The Committee further encourages the State party to consider amendments to national legislation which would ensure the full applicability of article 2 of the Convention.

Best interests

22. The Committee acknowledges the State party's significant efforts to respect the best interests principle but notes that improvements can be made. In particular, the Committee is concerned that in the context of the role of municipal authorities the best interests of the child are not always taken into full consideration and, further, that the best interests of children with an imprisoned parent, unaccompanied child asylum-seekers or refugees are not always a primary consideration.

23. The Committee recommends that the State party, in consultation with the office of the ombudsperson and with civil society, consider the implications of the best interests principle in the context of the above situations and that further efforts be made to ensure that the principle is a primary consideration in decisions which affect children.

The right of the child to express his/her views freely

24. The Committee commends the State party for its efforts to respect the rights of children to have their views heard including, notably, through the appointment of child representatives at a municipal level. The Committee joins the State party in expressing concern, however, that in practice children's views are insufficiently heard and taken into consideration. The Committee is concerned that many children are not aware of their rights in this domain under the Convention and national laws, or of the opportunities which have been created for their views to be expressed.

25. Taking note of the State party's recent commitments, the Committee recommends that the State party continue its efforts to inform children and others, including parents and legal professionals, of children's right to express their views and of the mechanisms and other opportunities which exist for this purpose. The Committee recommends, further, that the State party undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.

3. Civil rights and freedoms

Freedom of thought, conscience and religion

26. The Committee is concerned that the approach taken by the State party's Act No. 61 of 17 July 1998 relating to primary, lower secondary and upper secondary education, which introduces a new common curriculum on "Religions, Knowledge and Ethical Education", may be discriminatory. The Committee is concerned notably by the process of providing for exemptions to those children and parents who do not wish to participate in parts of the teaching.

27. The Committee recommends that the State party review the implementation of the new curriculum and consider an alternative exemption process.

Violence and harmful information

28. The Committee acknowledges the State party's recognition of a rise in acts of violence in society and particularly among young people, including older children.

29. The Committee recommends that the State party pursue its efforts to address the causes of such violence and to reduce its incidence.

4. Family environment and alternative care

Separation from parents

30. The Committee is concerned that the best interests of the child and, in particular, child rights with regard to separation from parents are not fully respected in the context of maintaining contact with parents serving prison sentences. The Committee is further concerned that despite

the State party's positive efforts, when decisions to deport foreigners convicted of a criminal offence are taken, professional opinions on the impact of such decisions upon the children of the deported persons are not systematically referred to and taken into consideration.

31. The Committee recommends that the State party be more flexible in its application of family contact rules for imprisoned persons so as to ensure that a child maintains personal relations and direct contact with an imprisoned parent, where this is in the best interests of the child. The Committee also recommends that the State party review the process through which deportation decisions are made to ensure that where deportation will mean the separation of a child from his or her parent, the best interests of the child are taken into consideration.

Family reunification

32. While supporting the State party's very positive approach to family reunification of non-Norwegian children, the Committee is concerned that the significant domestic measures providing for family reunification are not applied to their full extent. In particular, the Committee is concerned that children are not always able to take advantage of these provisions either because they have not been informed of the possibilities for family reunification because of procedural delays, or because procedures are not systematic.

33. The Committee urges the State party to establish a standard procedure through which children and other concerned persons such as their parents or legal guardians, are informed of the possibilities and procedures for family reunification and for these procedures to be implemented systematically in accordance with set guidelines.

Protection of the child deprived of a family environment

34. The Committee is concerned by the increase in the numbers of children being placed outside their parental home, in particular through the informal voluntary placement procedure which might not always guarantee that the best interests of the child are observed.

35. The Committee recommends that the State party carefully analyse both the factors which lead to the need to place children outside their parental homes and the practice of informal placement itself, and take effective measures to guarantee that the rights of children to family life and the best interests of the child are respected.

5. Basic health and welfare

36. The Committee is concerned at the high incidence of anorexia nervosa and bulimia and by the prevalence of alcohol consumption among adolescents. The Committee also expresses its concern at the continuing incidence of suicide by children, especially boys.

37. The Committee encourages the State party to continue its efforts to address cases of anorexia nervosa and bulimia which are both medical and psychological problems. In addition, the Committee notes the efforts made by the State party to reduce the level of

alcohol consumption among adolescents and recommends that the State party continue to promote a healthy lifestyle among adolescents. Further, recognizing that it can be difficult to identify all cases of suicide by children and in accordance with its recommendation in paragraph 17 of its 1994 concluding observations (CRC/C/15/Add.23), the Committee recommends that the State party continue its research into the incidence and causes of child suicide, including by children under the age of 10, and to use the results of this research to inform and further develop the State party's 1994 suicide prevention programme.

Children with disabilities

38. The Committee is concerned that children with disabilities do not have the best possible social integration with their peers.

39. Recognizing the State party's efforts to ensure that the rights of children with disabilities are fully realized and in light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), the Committee recommends that the State party continue its efforts to ensure that children with disabilities are able to share their time with other children, as emphasized in the State party's second plan of action.

Mental health services

40. The Committee joins the State party in expressing concern at the long waiting list and delayed access to mental health services and professionals for children which are due to an insufficient number of psychologists and psychiatrists.

41. The Committee encourages the State party to explore ways of providing children with more timely access to mental health services, and to address in particular the shortage of psychiatrists and psychologists.

Childcare services

42. The Committee joins the State party in expressing concern at the continuing need for additional day care places and that the available cash benefit scheme does not compensate for this need.

43. The Committee joins the State party in recommending an evaluation of the cash benefit scheme and recommends further that the State party pursue its original aim of ensuring that day care places are available for all children.

6. Education, leisure and cultural activities

Right to education

44. The Committee joins the State party in expressing concern at limitations, and the lack of specialization, in the educational background of some teachers and notes that such limitations have a negative impact on education and pupils and are a consequence of numerous factors, including teachers' low salaries.

45. The Committee recommends that the State party study the impact of low teachers' salaries and other factors on education in the State party and that efforts be made to address the problems identified.

Access to education

46. The Committee is concerned that many Roma children, and the children of other itinerant groups, in the State party do not complete the required years of obligatory education.

47. The Committee recommends that the State party explore means of making formal education more accessible to children who travel for a part of the year, such as through the use of mobile communications facilities and distance learning programmes.

7. Special protection measures

Unaccompanied, asylum-seeking and refugee children

48. The Committee is concerned that the provisions and principles of the Convention are not entirely respected with regard to asylum-seeking children. Specifically, the Committee is concerned that child applicants for asylum are provided with insufficient opportunities to participate in their application process and that their views are insufficiently taken into consideration. The Committee considers that positive mechanisms, such as the appointment of individual guardians for each unaccompanied asylum-seeking child, are not implemented to their full extent. Further, the Committee is concerned by delays in the processing of asylum applications and the fact that some child applicants are not integrated into local education systems.

49. Recognizing the State party's ongoing plans to improve child participation in these procedures, the Committee encourages the State party to pursue these efforts and recommends that the State party review its procedures for considering applications for asylum from children, whether accompanied or unaccompanied, to ensure that children are provided with sufficient opportunities to participate in the proceedings and to express their concerns. Recognizing further the valuable contribution that can be made by the guardian mechanism developed by the State party, the Committee recommends that additional efforts be made to implement the mechanism, to and ensure that it functions as intended, including through the provision of appropriate training to guardians.

50. The Committee recommends that the State party examine the reasons for delays in the procedures for processing applications and for the settlement of children, with a view to shortening them. The Committee also recommends that the State party make further efforts to ensure the rapid integration of children into the normal school system. The Committee recommends, in addition, that the State party consider the provisions and principles of the Convention in the review of procedures.

51. Noting the additional efforts of the State party to provide psycho-social assistance to refugee and asylum-seeking children, the Committee joins the State party in expressing concern that not all children in need of such help are given the opportunity to receive it. The Committee is also concerned at cases of malnutrition among refugee and asylum seeking children upon their arrival in the State party.

52. The Committee recommends that the State party pursue its plans to extend the current available psychological assistance to a wider number of children and their parents, and to ensure that every effort is made to identify children who require such help, upon their arrival in the State party. The Committee encourages the State party to continue its efforts to address malnutrition concerns.

Juvenile justice

53. The Committee is concerned that current responses by the State party to children who commit crimes often focus either uniquely on child welfare action or, for children over 15, on responses appropriate for adult offenders, with insufficient emphasis being placed on the preventive and rehabilitative aspects of juvenile justice.

54. The Committee recommends that the State party pursue its efforts to ensure that the best interests of the child are a primary consideration in the context of juvenile justice proceedings, giving greater consideration to the need for prevention and rehabilitation of child offenders.

Sexual exploitation and abuse

55. The Committee is concerned at incidents of sexual abuse in the State party and that existing State party resources for addressing such concerns are not used to their most effective potential.

56. The Committee urges the State party to continue its efforts to prevent and address cases of sexual abuse by increasing the resources available, including for an appropriate review of the employment of adult staff working with children, by monitoring, through the legal processes of responding to accusations of child abuse, by training of legal and other relevant professionals, and by the timely provision of care to the victims of such acts.

7. Dissemination of the reports

57. The Committee commends the State party for its wide and early dissemination of its 1993 initial report. The Committee is concerned, however, that the 1998 report did not receive the same wide distribution and, in particular, that it was not printed in Norwegian early enough to facilitate comments by Norwegian NGOs.

58. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report, the list of issues raised by the Committee and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.

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Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

KYRGYZSTAN

1. The Committee considered the initial report of Kyrgyzstan (CRC/C/41/Add.6) at its 627th and 628th meetings (see CRC/C/SR.627-628), held on 23 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the State party report was prepared in accordance with the guidelines for reporting, and covered almost all the provisions. Moreover, the quality of the report is reflected in the comprehensive information provided, and its self-criticism. The Committee appreciates the informative and detailed responses to the list of issues, and the presence of a high-level delegation which contributed to an open and frank dialogue.

B. Positive aspects

3. The Committee welcomes the adoption of the 1998 Law on the Protection of Minors' Rights, and the adoption of numerous legislative and administrative measures related to the rights of children, which demonstrate the commitment of the State party towards its obligations under the Convention.

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* At the 641st meeting, held on 2 June 2000.

4. The Committee notes that the State party has ratified the six major international human rights instruments, and maintains a timely record of report submission to the treaty bodies.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party has had to face serious economic, social and political challenges during the past few years posed by the transition to a market economy, including increased unemployment and poverty, which has had a severe impact, especially on the most vulnerable segments of society.

D. Principal subjects of concern and Committee recommendations

1. General measures of implementation

Coordination, budgetary allocation and cooperation with civil society

6. Noting that the State party has adopted various legislative and administrative measures relating to children's rights, the Committee is concerned that the implementation of these measures is impeded by several factors, namely deficiencies in coordination, budgetary allocation and resources, and the involvement of civil society.

7. Despite the existence of several governmental committees which deal with children's issues, such as the State Commission for Family, Women's and Youth Affairs, and the Commission for Minors, there remains a lack of administrative coordination and cooperation at the national and local government levels.

8. **While appreciating that decentralization of services allows local authorities to respond better to local needs, the Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups. The Committee recommends that the State party adopt a comprehensive national plan of action to implement the Convention, and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The Committee recommends that the State party provide adequate support to local authorities, including development of professional capacity, for implementation of the Convention.**

9. The Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of … available resources" of economic, social and cultural rights of children.

10. **The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights, and collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels and, where needed, within the framework of international cooperation.**

11. Noting the State party's efforts to involve civil society in the preparation of the report, the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

12. **Recognizing that the process of transition has led to the dismantling of many public social regulators, the Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment, and juvenile justice. The Committee recommends that the State party consider a systematic approach to involve civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the Committee recommends that greater efforts be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society; and further encourages the State party to support initiatives aimed at strengthening the role of civil society and to equip State actors with the knowledge and skills essential for working in partnership with local institutions.**

Independent/monitoring structures

13. The Committee is concerned that disaggregated data of persons under 18 years relating to the rights contained in the Convention is not used effectively because of an absence of a mechanism to analyse them.

14. **The Committee recommends that the State party establish a mechanism to systematically analyse disaggregated data and use this information as a basis to assess progress and design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from UNICEF, among others, in this regard.**

15. The Committee emphasizes the importance of setting up an independent mechanism with the mandate to monitor regularly and evaluate progress in the implementation of the Convention at the national and local levels.

16. **The Committee encourages the State party to establish a statutory body with an independent membership and adequate resources with the mandate to monitor regularly and evaluate progress in the implementation of the Convention and to receive and deal with complaints of violations of child rights.**

Training/dissemination of the Convention

17. Although the Convention is binding and has the force of law, the Committee is concerned that it has not been invoked in the courts because of insufficient awareness of the Convention amongst the judiciary, lawyers, and the general public, including children. While noting efforts in this regard, the Committee nevertheless is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

18. **The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society, and all sectors and levels of government. The**

Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, among others, OHCHR and UNICEF, in this regard.

2. Definition of the child

19. Notwithstanding the definition of a minor as a person under 18 under the Law on the Protection of Minors' Rights, the Committee is concerned with inconsistencies of this definition with other legislation and government decisions (e.g. Decisions No. 263 of 2 May 1997 and No. 150 of 8 April 1996 in relation to assistance paid to families of disabled children up to the age of 16 years), and the inadequate enforcement of minimum-age standards (i.e. with respect to early marriage, purchase of alcohol, etc.).

20. **The Committee recommends that the State party ensure that legislation or policy relevant to persons under 18 is consistent with the definition contained in the Law on the Protection of Minors' Rights and make greater efforts to enforce minimum-age requirements.**

3. General principles

Non-discrimination

21. The Committee is concerned at the prevailing disparities in the enjoyment of the rights of children in Kyrgyzstan. In particular, the Committee is concerned at the situation of children living in institutions; in regions of the country which are lagging behind in socio-economic development; and of children of rural and poor families. The Committee is concerned that the guarantee of non-discrimination in article 2 of the Convention may be jeopardized, for example by the 1998 social security law which effectively deprived all non-citizens of rights to social security benefits, except for education fee discounts for families with many children and/or of low income; and the practice whereby non-citizens are subject to higher fees demanded by health practitioners.

22. **The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee recommends that the State party prioritize and target social services for children belonging to the most vulnerable groups.**

23. The Committee is concerned that in practice the system of residence registration in Kyrgyzstan may restrict the rights of children belonging to vulnerable groups (e.g. refugees, non-citizens, migrants and persons internally displaced owing to conflict, economic factors, or

environmental disasters) to access to health care and other social services. In particular, the Committee is concerned at reports that at the local level, officials are sometimes reluctant to see migrants settle in their jurisdiction and do not observe regulations concerning temporary residence registration. Moreover, the Committee is concerned that individuals without appropriate documentation for residing in Bishkek risk relocation to another part of the country.

24. **The Committee recommends that the State party ensure that the registration system does not pose a barrier to access to services, particularly for the most vulnerable groups. The Committee recommends that the State party consider the experience of States that have replaced the *propiska* system with systems which correspond better to international standards in the area of freedom of movement.**

25. Like the Committee on the Elimination of Discrimination against Women (A/54/38), the Committee is concerned that de facto discrimination on the grounds of gender persists and expresses its concern at the persistence of stereotypical attitudes relating to roles and responsibilities of women and men.

26. **The Committee encourages the State party to launch comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family.**

Respect for the views of the child

27. In light of article 12 of the Convention, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the justice system, and especially within the family.

28. **The Committee encourages the State party to promote and facilitate, within the family, the school, care institutions, and the justice system, respect for the views of children, and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to assist them to help children to express their informed decisions and to take these views into consideration.**

4. Civil rights and freedoms

Birth registration

29. Given that failure of timely registration of the birth of children can have negative consequences on the full enjoyment of their fundamental rights and freedoms, the Committee is concerned that many parents in rural areas, particularly internal migrants, fail to register their children owing to a lack of knowledge that it is necessary, lack of access to registration facilities, lack of documentation, and inability to pay registration fees.

30. **In light of article 7 of the Convention, the Committee recommends that the State party make greater efforts to ensure free and timely registration of all births and take**

measures as regards training and awareness-raising of registration in rural areas. The Committee encourages steps such as the establishment of mobile registration offices and registration units in schools and health facilities.

31. The Committee is concerned that persons under 18 are restricted in their freedom of association.

32. **The Committee recommends that the State party ensure that any restrictions that are imposed comply strictly with limitations that are in accordance with article 15, paragraph 2, of the Convention and are "imposed in conformity with the law and ... are necessary in a democratic society in the interests of national security or public safety, public order, the protection of health or morals or the protection of the rights and freedoms of others".**

Protection from torture, inhuman or degrading treatment or punishment

33. The Committee is concerned at numerous and continuing reports of ill-treatment of persons under 18 by the militia, including psychological intimidation, corporal punishment, torture and abduction. The Committee is concerned that victims of such treatment are largely from vulnerable groups, such as refugees; that children are often detained for payment from their families; and that fear of reprisals and inadequate complaints procedures discourage children and their parents from filing complaints. Like the Committee against Torture (CAT/C/23/6), the Committee expresses concern at the absence of a definition of torture in the 1998 Criminal Code and appropriate penalties, and the apparent failure to provide prompt, impartial and full investigation into allegations of torture, as well as the failure to prosecute alleged perpetrators.

34. **In light of article 37 of the Convention, and recalling the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169), the State party should take all necessary and effective steps to prevent incidents of ill-treatment from occurring. The Committee recommends that the State party implement the recommendations made by the Committee against Torture (CAT/C/23/6); provide the militia with training on how to deal with persons under 18; ensure that persons are adequately informed of their rights when they are detained; ensure that complaints procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; and provide rehabilitative support to victims.**

5. Family environment and alternative care

Children deprived of a family environment

35. The Committee is concerned about the large number of children, especially children with disabilities who are abandoned or are otherwise deprived of a family environment. Further, it is concerned that foster care or other forms of family-based alternative care are not sufficiently developed and available; that as a result children are placed in institutions which, owing to a lack of resources, provide children with very low-quality housing and care; and that the location and features of institutions do not facilitate family contact. The Committee is concerned at the absence of effective mechanisms for children to communicate concerns and complaints about

their placement. In light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitoring, or follow-up of the situation of children in institutions.

36. **The Committee recommends that the State party take all effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children. In particular, the Committee recommends that the State party promote the family as the best environment for the child through counselling and community-based programmes to assist parents to keep children at home. Moreover, it is recommended that the State party take all effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care, and place children in institutions only as a last resort. The Committee recommends that the State party undertake a comprehensive review of conditions in institutions; take all necessary measures to improve infrastructure; and ensure that children living in institutions enjoy all the rights laid down in the Convention, in accordance with article 2. The Committee recommends that the State party review existing policies and practices to ensure that children in institutions can maintain links with their families. The Committee recommends that the State party provide support and training for personnel in institutions, including social workers. The Committee recommends that the State party establish effective mechanisms to receive and address complaints from children in care, monitor standards of care, and establish regular periodic review of placement.**

Adoption

37. Noting the increase in national adoption and long-term foster placements, the Committee is concerned about the absence of national standards, particularly in relation to foster and adoptive family screening. Moreover, the Committee is concerned at the absence of mechanisms to review, monitor and follow up adoptions, and of statistics on foster care and adoption. The Committee is also concerned about the practice of secret adoptions.

38. **The Committee recommends that the State party establish a comprehensive national policy and guidelines governing foster care and adoption, including screening, and a central monitoring mechanism in this regard. The Committee recommends that the State party ensure that adopted children who have reached the age of majority have the right of access to the identity of their biological parents, in accordance with Kyrgyz custom. The Committee recommends that when the State party envisages lifting its suspension on intercountry adoptions, it accede to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

Violence/abuse/neglect/maltreatment

39. The Committee is concerned, as the report acknowledges, that ill-treatment of children takes place in the family, institutions and schools. The Committee is concerned that violence against women is on the rise and is a problem in Kyrgyzstan, and that this has harmful consequences on children.

40. **In light of articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions, are prohibited. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. As regards violence against girls and women, the Committee recommends that the State party implement the recommendations of the Committee on the Elimination of Discrimination against Women (A/54/38). Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party seek assistance from, among others, UNICEF and WHO.**

6. Basic health and welfare

Children with disabilities

41. The Committee is concerned at the prevailing poor situation of children with disabilities. In particular, the Committee is concerned at the practice of institutionalizing children with disabilities, and that access to services such as rehabilitation and education are limited and severely strained.

42. **The Committee recommends that the State party review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), and ensure that they enjoy all the rights contained in the Convention. The Committee recommends that the State party provide early childhood care and special education for children with disabilities; develop entry-grade detection capacity within the primary school system; and provide services for children with learning disabilities and behavioural disorders. The Committee recommends that the State party make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes and reunification of children with their parents. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate support, supervision and training should be given to persons working with these children. The Committee encourages the State party to seek assistance from, among others, UNICEF, UNESCO, WHO and relevant NGOs.**

Right to health and health services

43. Noting efforts to strengthen the primary health sector, the Committee is nevertheless concerned by the deterioration in the health of the most vulnerable groups, especially women and children. In particular, the Committee notes the increase in the incidence of communicable diseases, including vaccine-preventable diseases, and in childhood malnutrition. Moreover, the Committee is concerned that because of distant facilities and insufficient numbers of personnel and medication, children in rural regions suffer most.

44. **The Committee recommends that the State party ensure that its commitment to primary health care, including implementation of the Integrated Management of Childhood Illnesses strategy, is met by adequate allocation of resources, both human and financial, and that all children, especially from the most vulnerable groups, have access to health care. The Committee recommends that the State party undertake awareness-raising campaigns to ensure that families, especially refugee families, are adequately informed of the need to be registered in polyclinics. The Committee recommends that the State party establish comprehensive family planning programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. The State party is encouraged to continue cooperation with and seek assistance from, among others, UNICEF and WHO.**

45. With regard to adolescent health, the Committee is concerned at the high and increasing rate of teenage pregnancies and the consequently high rate of abortions among girls under 18. The Committee notes that various factors, including limited availability of contraceptives, poor reproductive health education and the requirement of parental consent have resulted in an increasing number of illegal abortions among girls. The Committee is concerned with the rise in rates of STDs, particularly syphilis, and the spread of HIV/AIDs.

46. **The Committee recommends that the State party undertake a comprehensive study to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis to formulate adolescent health policies and programmes. While recognizing that parents play an important role in this regard, cultural attitudes and lack of knowledge and communication skills by parents may be barriers to accurate reproductive health information and counselling. In this regard, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The State party is encouraged to continue cooperation with and seek assistance from, among others, UNICEF and WHO.**

47. In light of article 24 of the Convention, the Committee expresses its concern at problems involving the recycling, collection and disposal of waste in urban areas and poor access to safe water and adequate sanitation in rural areas, which negatively impact upon the health of children. Moreover, the Committee is concerned at the inadequate measures taken to protect the health of children from the negative impact of dangerous environmental hazards resulting from inappropriate storage of, *inter alia*, radioactive and toxic wastes.

48. **In light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including international cooperation, to prevent**

and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee encourages the State party to collect data on access to clean water and sanitation.

Right to an adequate standard of living

49. The Committee notes that one of the many consequences of economic transition, is deterioration in the family environment, leading to an increase in homeless children in the streets and markets of Bishkek and other cities. The Committee expresses its concern about the situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Kyrgyzstan.

50. **The Committee recommends that the State party establish mechanisms to ensure that these children are provided with identity documents, food, clothing and shelter. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual, and substance abuse; services for reconciliation with their families; comprehensive education, including vocational and life-skills training; and legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee recommends that the State party seek assistance from, among others, UNICEF.**

7. Education, leisure and cultural activities

Right and aims of education

51. The Committee is concerned at the deterioration in the quality of education, especially infrastructure, teaching and curricula. The Committee is concerned at declining pre-school enrolment and the persistence of high drop-out, repetition and absenteeism rates in primary and secondary schools.

52. **The Committee recommends that the State party take all necessary measures to allocate the required resources, both human and financial, to implement effectively the Education for All programme. The Committee recommends that the State party take due regard of the aims of education laid down in article 29, and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary level. The Committee recommends that the State party promote the importance of early childhood care and development programmes, especially among low-income households, and stimulate informal community schemes in this regard. The Committee recommends that the State party promote the participation of parents and communities, especially ethnic minorities, in school governance to improve enrolment rates and monitor the quality of education. The Committee encourages the State party to seek assistance from, among others, UNICEF, UNESCO and relevant NGOs.**

8. Special measures of protection

Asylum-seeking and refugee children

53. The Committee is concerned at the situation of refugee and asylum-seeking children in Kyrgyzstan. The Committee is concerned that the existing system of refugee status determination is inefficient, and subject to substantial delays. Moreover, eligibility criteria, such as the three-day deadline for filing refugee status claims, and the safe third country rule, as applied, may arbitrarily deny de facto refugee children protection to which they are entitled to under the Convention and relevant international refugee instruments. The Committee is concerned that the issue of documentation is a serious problem for non-nationals, especially asylum-seekers. The Committee notes that refugee documentation is provided only to the head of household, and that this causes problems for "undocumented" children when encountering the militia who constantly harass these children and subject them to fines and detention. The Committee notes, for example, the difficult situation of rejected refugee claimants who are denied refugee documentation yet whose illegal residence is tolerated, most notably Afghans.

54. **The Committee recommends that the State party review its asylum determination policy and ensure that it complies with international standards. The Committee recommends that the State party undertake effective public education campaigns to inform asylum-seekers, especially those newly arrived, about asylum procedures and the importance of children having documentation; provide practical assistance in obtaining birth certificates for every child and adequate procedures for the replacement of lost identity and travel documentation; and establish a system allowing refugee and asylum-seeking children to have their own documentation. The Committee recommends that the State party ensure that the payment of fines for non-possession of documentation should be made only to a court or officials not involved in the citation; issuance of receipts be mandatory; and those detained not be required to pay the costs of their detention. The Committee encourages the State party to continue and expand its cooperation with international agencies such as UNHCR and UNICEF.**

Economic exploitation

55. The Committee is concerned that the negative effects of the current economic crisis have resulted in an increasing number of children dropping out of school and taking up work. The Committee expresses its concern at children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions. In particular, the Committee is concerned that children involved in tobacco and cotton harvesting often receive no training on safety precautions when working with toxic pesticides and herbicides. There is also concern about child labour in mines in the south.

56. **The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have and produce on demand proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established, and empowered to receive and deal with complaints of violations. The Committee recommends that the State party undertake a national survey on the nature and extent of**

child labour. The Committee recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards. It is also recommended that the State party ratify the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). The State party should seek assistance from, among others, ILO.

Drug abuse

57. The Committee is concerned about the increasing use of and traffic in illicit drugs, alcohol abuse, and the alarming rates of tobacco use among persons under 18 years.

58. **The Committee recommends that the State party undertake a national survey on the nature and extent of substance abuse. With the full participation of adolescents, including in its implementation and evaluation, the Committee recommends that the State party develop a national drug control plan, or a master plan, with the guidance of the United Nations Drug Control Programme (UNDCP). The Committee encourages the State party to provide children with accurate and objective information about substance use, including tobacco use, and protect children from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse. The Committee recommends that the State party seek assistance from WHO and UNICEF.**

Sexual exploitation and sexual abuse

59. Like the Committee on the Elimination of Discrimination against Women (A/54/38), the Committee is concerned at the increase in prostitution and the trafficking of girls and women and the absence of an effective, comprehensive and integrated approach to prevent and combat these phenomena. The Committee is concerned at the insufficient data and awareness of commercial sexual exploitation of children in Kyrgyzstan.

60. **The Committee recommends that the State party undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether national or foreign, while ensuring that the child victims are not penalized. The Committee recommends that the State party ensure that domestic laws concerning the sexual exploitation of children be gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to adequately train personnel working with child victims. The Committee recommends that the State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's**

right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation should be reinforced, which involves cooperation with neighbouring countries.

Administration of juvenile justice

61. The Committee is concerned that juvenile offenders are not dealt with separately under the justice system; and that there are no special procedures or specially trained personnel. Despite laws to the contrary, the Committee is concerned that the militia often do not notify parents of arrests, and that often neither parents nor lawyers are present during questioning of juveniles. In relation to pre-trial detention, the Committee expresses its concern at the length of detention; the limited access to visitors; and that juveniles are often detained with adults during this period. The Committee is concerned at the limited access to adequate legal aid for poor individuals; the often disproportionate length of sentences meted out in relation to the seriousness of offences; and that girls are detained with adult females. The Committee is concerned at the poor conditions of the facilities; inadequate nutrition, clothing and psychological and medical care; and the lack of access to adequate recreational, educational and vocational facilities. The Committee is also concerned at the lack of facilities for the physical and psychological recovery and social reintegration of juvenile offenders. The Committee is concerned that even when a case against a juvenile has been dismissed by the prosecutor, the charge remains on the register because people are often not aware of how to have it struck off. This may result in stigmatization of innocent people.

62. **The Committee recommends that the State party take all measures to integrate fully into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. The Committee recommends that the State party seek assistance from, among others OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the Coordination Panel on Juvenile Justice.**

9. Dissemination of the reports

63. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**